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ENVIRONMENTAL ASSESSMENT BOARD

VOLUME:

XV

DATE:

Wednesday, June 15th, 1988

BEFORE:

M.I. JEFFERY, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council
(O.C. 2449/87) authorizing the
Environmental Assessment Board to
administer a funding program, in
connection with the environmental
assessment hearing with respect to the
Timber Management Class
Environmental Assessment, and to
distribute funds to qualified
participants.

Hearing held at the Ramada Prince Arthur
Hotel, 17 North Cumberland St.
Thunder Bay, Ontario, on Wednesday
June 15th, 1988, commencing
at 1:00 p.m.

VOLUME XV

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member

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APPEARANCES: (Cont'd)

MR. C. BRUNETTA

NORTHWESTERN ONTARIO
TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

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<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
66	Excerpt from Government of Ontario Telephone Director, February, 1988.	2641
67	Booklet titled: Forest Management Agreements published 1988 by the Ministry of Natural Resources.	2704
68	First five-year Review for the period 1980-85.	2708
69	Third five-year Review for the period 1982-87.	2709

1 ---Upon commencing at 1:00 p.m.

2 THE CHAIRMAN: Good afternoon, ladies and
3 gentlemen. Please be seated.

4 Ladies and gentlemen, the order of
5 procedure today will be as follows:

6 The Board will deliver its ruling in
7 connection with the Board's proposal made last week and
8 addressed last week regarding the presentation of
9 evidence-in-chief.

10 Following that, the Board will just
11 briefly review with you a scheduling notice with
12 respect to the hearing schedule for the months of
13 August and September and will be prepared to distribute
14 this as well, and then we will proceed with
15 cross-examination of Mr. Armson by Mr. Williams, who is
16 going to be cross-examining with the consent of Mr.
17 Castrilli today, and we will return to Mr. Castrilli's
18 cross-examination tomorrow.

19 With respect to the Board's ruling, the
20 Board is going to read it into the record. We have
21 prepared it in written form and have sufficient copies
22 here for counsel, so that you do not have to write as
23 seriously as you might otherwise have had to, and then
24 the ruling and the reasons for it will also be
25 distributed to the parties on the parties' list.

1 And, by reading it into the record, it
2 will be on the transcripts and, thus, will be available
3 to those parties at the transcript drop.

4 Now, we are having -- before I start
5 this, we seem to be having some trouble with the sound
6 system. Anybody here got any idea how to cure it? I
7 am just wondering if we might not try to adjust it at
8 the front here for a moment.

9 ---Short Recess.

10 THE CHAIRMAN: Can everybody hear?

11 (No response)

12 Okay, let's proceed. If it somehow goes
13 on the blink, we will try and figure something out.

14 RULING

15 On June 6th, 1988, the Board put forward a
16 proposal to the parties to this proceeding concerning
17 an amended procedure for the presentation of
18 evidence-in-chief. At that time, the Board invited
19 parties to consider the Board's proposal and to be
20 prepared to make submissions thereon to the Board on
21 Thursday, June 9th, 1988.

22 The Board has stated on several occasions
23 since the commencement of this hearing that it will be
24 examining a variety of methods which might be employed
25 to expedite the presentation of the evidence provided

1 that at all times procedural fairness will be observed
2 and that the hearing procedures adopted by the Board
3 will be consistent with the principles of natural
4 justice.

5 As parties to this hearing are well aware,
6 the proponent has indicated that it will present its
7 case to the Board through approximately twenty panels
8 comprised of expert witnesses.

9 The Board, following the series of
10 preliminary meetings held throughout the province in
11 January and February of this year, issued procedural
12 directives concerning the filing and distribution of
13 expert witness statements together with the procedures
14 to be applied with respect to the posing of
15 interrogatories and answers thereto.

16 The Board's proposal, which is the subject
17 matter of this ruling, involves consideration of
18 placing a time limit of two or three hours on the oral
19 presentation by a party of its evidence-in-chief, which
20 evidence would be essentially contained in a witness
21 statement to be filed with the Board, distributed
22 amongst the parties receiving full-time correspondence
23 and placed on deposit at the depositories across the
24 province presently receiving transcripts of evidence.

25 It was intended that the Board's proposal

1 apply to all parties presenting expert testimony with
2 the possible exceptions of some parties who maintain an
3 oral tradition of presentation such as the Native
4 Peoples and parties unrepresented by counsel who would
5 not normally be required to file witness statements in
6 any event.

7 The witness statements together with the
8 oral presentation highlighting that evidence would
9 constitute that party's evidence-in-chief and would be
10 considered by the Board in formulating its decision on
11 this application.

12 Under the Board's proposal, the party
13 submitting this expert evidence would make the
14 witnesses available for cross-examination and
15 re-examination in the usual way and subject only to the
16 usual limitations applicable to cross-examination and
17 re-examination.

18 It was the Board's intention that in this
19 way the hearing time spent in the presentation of
20 evidence-in-chief could be shortened considerably
21 while, at the same time, counsel would be obliged to
22 focus their oral presentation on those specific issues
23 which they wished to bring to the Board's attention
24 within a three hour time frame.

25 In making this proposal the Board was

1 cognizant of the procedures used by other tribunals in
2 this regard such as the Ontario and National Energy
3 Boards, some administrative tribunals in the United
4 States and the recent inquiry into the use of the
5 pesticide Alachlor in Canada.

6 All parties wishing to comment on the
7 Board's proposal had the opportunity to do so on June
8 9th, and the Board heard submissions from counsel from
9 the Ministry of Natural Resources, the Ministry of the
10 Environment, the Ontario Forest Industries Association
11 and Ontario Lumber Manufacturers Association, the
12 Ontario Federation of Anglers and Hunters and the
13 Forests for Tomorrow coalition. The concerns raised by
14 Mr. David Hunter, counsel for the Nishnawbe-Aski Nation
15 and Windigo Tribal Council were reiterated by Mr.
16 Castrilli on his behalf, since Mr. Hunter was unable to
17 attend the hearing on June 9th, 1988.

18 It is fair to say that with an exception
19 of the Forests for Tomorrow coalition and qualified
20 support for the Board's proposal on the part of the
21 Ministry of the Environment, all other parties
22 expressed their opposition to the Board's initiative,
23 citing a variety of reasons for this opposition.

24 In essence, Mr. Freidin, on behalf of the
25 Ministry of Natural Resource, set out his position that

1 a party has a right, both at common law and by statute,
2 to call and examine witnesses in the manner it feels is
3 necessary to present its case. In support of this
4 position, Mr. Freidin cited section 10(b) of the
5 Statutory Powers procedure Act which states:

6 "a party to proceedings may at a hearing,
7 (b) call and examine witnesses and
8 presents its arguments and submissions;"

9 The Board is of the view that this
10 proposal does not contravene this section or indeed
11 other sections of the Statutory Powers Procedure Act
12 for it does not seek to prevent or restrict a party
13 from putting its evidence-in-chief before the Board,
14 but rather seeks to modify the manner in which this
15 evidence is presented to the Board. The party is at
16 liberty to present all of its expert evidence in
17 written form and, in addition, would be at liberty to
18 make an oral presentation with respect to this
19 evidence. It is only this oral presentation which
20 would a time limitation attached to it.

21 Under section 18(12) of the
22 Environmental Assessment Act, the Board may determine
23 its own practice and procedure in relation to hearings
24 and, in accordance with this section, formulated Rules
25 of Practice and Procedure which have been enacted as

1 Ontario Regulation 4/88 in January of this year.

2 Moreover, section 23(1) of the Statutory
3 Powers Procedure Act provides that:

4 "a tribunal may make such orders or give
5 such directions in proceedings before it
6 as it considers proper to prevent abuse
7 of its processes."

8 In circumstances where a party has
9 presented detailed witness statements of evidence with
10 respect to the expert evidence they wish to adduce at a
11 hearing it may well be, in the Board's view, an abuse
12 of its processes to permit an unrestricted oral
13 examination of the witnesses on the same evidence that
14 is before the Board in a written form.

15 The submission was made by Mr. Freidin
16 and other parties that the matters dealt with by the
17 panels of expert witnesses were almost by definition of
18 a technical and complex nature and, accordingly
19 necessitated counsel having to clarify the technical
20 matters set out in the witness statements and/or
21 reports through its oral testimony.

22 Although the Board does acknowledge that
23 in many instances clarification is required, often this
24 is accomplished through cross-examination of the
25 witnesses by other parties or by means of questions put

1 to the witnesses by the Board itself. In addition,
2 counsel would have an opportunity to clarify issues of
3 importance through oral examination within the three
4 hour time limitation suggested by the Board.

5 As parties to the proceeding are aware,
6 the Board has also the ability to retain expert
7 witnesses of its own to assist the Board in connection
8 with any matter before it, and expert witnesses have in
9 fact be retained by the Board in cases where the Board
10 has felt the necessity to do so.

11 Once again, it is apparent that other
12 tribunals who have adopted similar procedures in
13 connection with presenting evidence-in-chief have done
14 so without encountering any serious problems relating
15 to the complexity or technical aspects of the evidence
16 presented in written form.

17 In response to Mr. Freidin's submission
18 that the demeanor of the witness in the box is
19 important, particularly with respect to the witness'
20 credibility, the Board would have, in its opinion,
21 ample opportunity to observe the witness not only
22 during the course of a three hour oral
23 examination-in-chief but, as well, during
24 cross-examination and re-examination.

25 The Board indicated in its proposal that

1 it may exempt certain parties who maintain an oral
2 tradition and who may feel uncomfortable in presenting
3 their evidence in a written form. In its view,
4 consideration of these traditions must be given to the
5 Nishnawbe-Aski Nation and Windigo Tribal Council,
6 represented by Mr. Hunter; Grand Council Treaty No. 3,
7 represented by Mr. Colborne; and the Ontario Metis and
8 Aboriginal Association represented by Mr. Reilly. In
9 addition, exemption from this proposal might be made
10 with respect to parties proposing to call expert
11 witness who are unrepresented by counsel.

12 A further submission was made to the
13 effect that the parties that would be bound by the
14 Board's proposal would be prejudiced in that they would
15 not be treated on an equal basis with those parties who
16 would be able to present their evidence-in-chief orally
17 on an unrestricted basis.

18 While the Board acknowledges that
19 wherever possible its Rules of Practice and Procedure
20 should apply equally to all parties, it must be
21 recognized that other factors must be taken into
22 account and in certain circumstances, under its Rules,
23 it is not always possible in the interests of fairness
24 to treat all parties on a consistently equal basis.
25 For example, the Board has not in the past required all

1 parties to file witness statements and has routinely
2 exempted those parties who are unrepresented by counsel
3 to do so where it has felt that this requirement would
4 place an unwarranted burden on parties who do not have
5 counsel to assist them in this task. In addition, the
6 Board has sometimes provided assistance to parties in
7 connection with the distribution of documentation in
8 order to ease the financial burden experienced by
9 parties whose resources may be somewhat different from
10 those of other parties to the hearing.

11 Once again, the overriding concern of the
12 Board has been to ensure that all parties have the
13 ability to effectively present their case to the Board
14 and it has not hesitated to modify its procedures where
15 necessary on a case-by-case basis.

16 Submissions were made to the effect that
17 little time has been wasted to date in connection with
18 oral examination-in-chief and therefore the Board's
19 proposal is both premature and perhaps unnecessary.

20 In response the Board would point out
21 that the first two panels called by the proponent to
22 this point in time have not dealt with evidence of
23 essentially a technical nature, and it is likely that
24 the amount of time to be spent by the proponent in
25 presenting evidence-in-chief will increase dramatically

1 with subsequent witness panels. The Board is convinced
2 that appreciable savings in time could be effected by
3 the presentation of evidence-in-chief in the manner
4 proposed by the Board and remains unpersuaded that its
5 proposal would inhibit the effective presentation of
6 expert evidence in the matter proposed.

7 It is necessary, however, for the Board to
8 consider its proposal in the light of the specific
9 facts of the case before it and accordingly, the Board
10 has reluctantly concluded that to adopt the Board's
11 proposal at this point in the proceedings would be
12 unfair to both the proponent and those other parties
13 before the Board who would follow the proponent in the
14 presentation of their evidence.

15 As pointed out by Mr. Freidin, the
16 proponent prepared its witness statements with respect
17 to at least the first six panels of witnesses on the
18 basis that the oral examination of witnesses on their
19 evidence-in-chief would be unrestricted. It is
20 acknowledged that the witness statements might not have
21 been formulated in the same way had the proponent been
22 apprised of the fact that the oral examination would in
23 fact be subject to a three hour time limit. Since the
24 witness statements for the first five witness panels
25 have now been distributed in accordance with the

1 Board's previously issued procedural directives, and
2 the sixth has been substantially completed, the Board's
3 proposal could not take effect in a practical sense
4 until later this year with reference to the seventh and
5 succeeding witness panels.

6 By changing the rules at this point the
7 Board further acknowledges that other parties will be
8 prejudiced to some extent in that the proponent will
9 have had the benefit of unrestricted oral presentation
10 of its evidence-in-chief with respect to at least some
11 of its technical evidence, while the majority of the
12 major parties would have restrictions imposed with
13 regard to the oral presentation of their
14 evidence-in-chief.

15 Although the Board has in the
16 circumstances decided that it would be inappropriate to
17 put its proposal into effect in this case, it
18 nevertheless wishes to reaffirm its view that such a
19 proposal would be fully justified in other
20 circumstances, and wishes to place the parties and the
21 public on notice that it is likely that the
22 Environmental Assessment Board will adopt such a course
23 of action in appropriate future cases.

24 Counsel for all parties indicated that
25 they share the Board's concern with the projected

1 length of time for this hearing and indicated their
2 support for appropriate procedural initiatives which
3 might facilitate the presentation of evidence in a less
4 time-consuming manner.

5 As mentioned earlier, one of the reasons
6 behind the Board's proposal was an attempt to have
7 counsel better focus their presentation and thus place
8 the evidence before the Board in a more meaningful
9 fashion. The Board has therefore decided to require
10 that all future witness statements contain an Executive
11 Summary of the contents of the statements which will
12 serve to focus attention upon those issues that the
13 party wishes to place before the Board. The Executive
14 Summary should not exceed ten pages in length.

15 The requirement of the Executive Summary
16 referred to herein shall take effect with the filing of
17 the proponent's witness statement concerning panel
18 seven, and shall likewise apply to all witness
19 statements required to be filed by other parties.

20 This ruling is dated at Toronto the 14th
21 day of June, 1988.

22 That, ladies and gentlemen, is the manner
23 in which the Board will dispose of the proposal put
24 forward by the Board dealing with evidence-in-chief.

25 As I mentioned earlier, copies of this

1 ruling and its reasons will be available to counsel and
2 counsel can pick copies up from Mr. Mander, and we will
3 be instructing Board staff to have a copy of this
4 ruling and reasons deposited at all the depositories
5 receiving transcripts of evidence.

6 Now, with respect to the next matter,
7 which is the scheduling of the hearing for the period
8 of August and September, the Board proposes to sit as
9 follows:

10 From August 8th through August 11th;
11 From August 15th through August 18th;
12 From August 24th through August 26;
13 From August 29th through September 1st.

14 During the month of September the Board
15 proposes to sit:

16 September 6th through September 9th;
17 September 13th through September 16th;
18 September 26th through September 29th.

19 The hearings will commence on the opening
20 day of each week at 1:00 p.m., with the exception of
21 Wednesday, August 24th, which will start at 9:30 a.m.
22 Hearings on the last day of each week will commence at
23 8:30 a.m., and all other hearing days listed will
24 commence at 9:30 a.m.

25 As you are aware, the Board will not sit

1 the month of October and the hearing will re-commence
2 on November 1st.

3 Now, these dates are reasonably firm,
4 however, there is the possibility that one or two days
5 as we move along will be subject to change, and the
6 Board will undertake to notify you as soon as possible
7 if, in fact, there are any changes to the schedule.

8 Again, copies of the schedule can be
9 obtained from Mr. Mander who I think has copies with
10 him; do you?

11 MR. MANDER: Yes, right here.

12 THE CHAIRMAN: Very well, ladies and
13 gentlemen. If there are no further preliminary matters
14 to dispose of, we propose to call upon Mr. Williams to
15 commence his cross-examination of Mr. Armson.

16 Ms. Seaborn, do you have something?

17 MS. SEABORN: No, excuse me, Mr.
18 Chairman.

19 THE CHAIRMAN: Mr. Williams?

20 MR. CASTRILLI: Mr. Chairman, I am sorry.
21 I have one minor good news matter to raise, and I
22 thought Mr. Williams wouldn't mind, but to advise that
23 Ms. Swenarchuk is now the mother of an 8-pound baby
24 girl who was born on June 10th, at approximately 5:22
25 a.m.

1 I understand both mother and daughter are
2 doing very well.

3 THE CHAIRMAN: Well, that is good news
4 and the Board conveys their congratulations to the new
5 mother and we will do so personally next week.

6 Are you ready to proceed?

7 MR. WILLIAMS: Yes, Mr. Chairman.

8 THE CHAIRMAN: Very well.

9 MR. WILLIAMS: Thank you Mr. Chairman.

10 KENNETH A. ARMSON, Resumed

11 CROSS-EXAMINATION BY MR. WILLIAMS:

12 Q. Mr. Armson, what are the specific
13 duties and responsibilities of Ontario's Provincial
14 Forester?

15 A. My main responsibilities are
16 concerned with the overall levels of professional
17 practice, with the development of policy within the
18 Ministry.

19 Q. Okay.

20 THE CHAIRMAN: Excuse us one second, Mr.
21 Armson.

22 THE WITNESS: Of course.

23 THE CHAIRMAN: I think we should get this
24 sound system rectified. If we might take 10 minutes,
25 even 15 minutes at this point, because the media at the

1 back of the room are having difficulty, I am sure the
2 court reporter may have some difficulty, and I think we
3 should perhaps get somebody from the hotel to look at
4 it right away, or at least get them on the way.

5 I think it is going to cut in and out as
6 we proceed, so there is no sense in proceeding at the
7 outset with this problem.

8 The Board will rise for 15 minutes and
9 try and get this rectified.

10 ---Recess at 1:30 p.m.

11 ---Upon resuming at 1:45 p.m.

12 THE CHAIRMAN: Thank you, ladies and
13 gentlemen. Please be seated.

14 We apologize, Mr. Williams, for the
15 interruption in your cross-examination.

16 And, having said that, we are going to
17 interrupt your cross-examination for a further two
18 minutes while one microphone gets shifted over to
19 another type. Excuse us.

20 ---Short recess.

21 THE CHAIRMAN: Very well, Mr. Williams, I
22 think we are now ready to proceed.

23 MR. WILLIAMS: Thank you, Mr. Chairman.

24 THE CHAIRMAN: Do you want to start with
25 your first question again?

1 MR. WILLIAMS: Which day was that?

2 Yes, all right, we will start again.

3 Q. Mr. Armson, if I might again ask you:
4 What are the specific duties and responsibilities of
5 Ontario's Provincial Forester?

6 A. My duties and responsibilities, Mr.
7 Williams, are primarily and for the most part with
8 levels of professional practice in broad - not
9 necessarily in the day-to-day terms - with policy,
10 forestry policies, but also with broad -- with Ministry
11 policies; that is, others even that relate to other
12 areas and other branches other than forestry.

13 I am very much involved in liaison within
14 Ministry and between certain ministries, although that
15 tends to vary with issues and circumstances but, I
16 guess an example I could give you is: I sit on the
17 Science and Technology Committee in which a number of
18 ministries represented by Assistant Deputy Ministers
19 there to deal with broad issues in science and
20 technology.

21 I also have a liaison with the forest
22 industry, again not in terms of day-to-day matters -
23 that is the prerogative and function of the Executive
24 Co-ordinator - but more in terms of broader directions
25 and developments that might lead to policy.

1 I also sit on the Ontario Forestry
2 Council which is a group in which two Ontario
3 representatives at least from the Ministry are the
4 Deputy Minister and myself, and on the Ontario Tree
5 Improvement Council.

6 In addition to those areas, which all
7 relate to the Ministry or government in Ontario, I am
8 also involved in liaison, and particularly over the
9 last three years, with interprovincial matters
10 especially as they have related to national or
11 interprovincial issues.

12 And perhaps the two that I might mention
13 specifically: One was the softwood lumber countervail
14 issue; the second one, which was tied to the Canadian
15 Council of Forest Ministers, was the development of a
16 national forest sector strategy.

17 So I have those linkages in that way.

18 Q. Dealing specifically with the
19 Ministry in its operations, you indicated that your
20 concern is dealing with or assessing professional
21 skills and also having involvement in policy as it
22 relates specifically to the Ministry.

23 A. Yes.

24 Q. In your role as the Ontario
25 Provincial Forester, could you be more specific as to

1 the ways in which you carry out and discharge your
2 duties for the Ministry--

3 A. In a specific sense I have...

4 Q. --and relate it to those two
5 particular key areas?

6 A. Right. The matter of regeneration at
7 the provincial level - and the Board will be hearing
8 more about that in Panel 4 - the matter of developing
9 standards in relation to regeneration, and that will be
10 discussed in a later panel.

11 And those are two specific areas, for
12 example, within the last year that I have been -- in
13 fact a little beyond that, that I have been involved
14 with.

15 Q. That is within the context of policy,
16 the policies that we covered?

17 A. Yes, policy, in that sense, of
18 dealing only with the forestry matter and dealing, in
19 that case, with developing, if you like, a policy
20 relating specifically to regeneration.

21 Q. How do you deal on a policy or
22 administrative basis with consideration of professional
23 skills?

24 Are you talking about the senior
25 personnel in the Ministry that take on the roles of

1 unit foresters or district managers or positions of
2 that nature; is that what you are referring to?

3 A. No, not so much that. I have been
4 involved in the establishment of courses - and I think
5 previously to the Board I mentioned the most recent
6 ones - but prior to that, I initiated and actually
7 prior to my position as Provincial Forester I also
8 initiated the beginnings of the economic analysis and
9 what flowed from them were the workshops.

10 It might be a point of explanation to the
11 Board that, in my previous position as Executive
12 Co-ordinator, I also functioned as what I had been
13 before, the Chief Forester, the two functions were
14 rolled into one.

15 And really since my becoming Provincial
16 Forester what has happened is some of the functions
17 that were primarily Chief Forester at that time, I now
18 have those solely.

19 Q. So then you are dealing in the
20 broader areas and not specifically with personnel as
21 they relate to the professional skills, it is not in
22 that area that you are really operating as such, as the
23 Provincial Forester you are looking at the broader
24 issues?

25 A. Not in a day-to-day manner. Well,

1 one of the areas - and I am sorry I omitted this - was
2 the forester in training program and I am not involved
3 again on a day-to-day basis, but I am involved in the
4 development of that program. We changed it in the way
5 it is carried out, to some considerable degree, over
6 the last few years.

7 Q. So that the Ministry -- foresters
8 within the Ministry operation, they wouldn't be
9 performing any duties or responsibilities similar to
10 what you carry out: Yours are unique, you are sort of
11 the guru of the system, if I might use that term; is
12 that correct?

13 A. I would say you are correct there,
14 Mr. Williams.

15 Q. If I could refer you to the Class EA
16 and the section entitled: The Timber Management
17 Planning Process beginning on page 95 and, in
18 particular, page 103. Under that heading -- under that
19 section of Timber Management Planning Process, page
20 103, line 23 states:

21 "In timber management planning the
22 practical application of the integrated
23 resource management policy and the
24 various management guidelines contained
25 in the District Land Use Guidelines is

1 through the timber management planning
2 process."

3 Would you agree with that statement?

4 A. Yes, I would.

5 Q. And then if I could refer you to page
6 107, line 2 there is a sentence that reads:

7 "For Crown management units, the Ministry
8 of Natural Resources management unit
9 forester is delegated responsibility for
10 the preparation of the plan and normally
11 acts as the co-ordinator of the planning
12 team. For company management units and
13 forest management agreement forests the
14 MNR planning team, normally
15 co-ordinated by an MNR forester, provides
16 assistance to the forest company which is
17 responsible for preparation of the plan."

18 Would you agree with that observation?

19 A. Yes.

20 Q. Would you agree that those two
21 statements together make it clear that foresters,
22 professional foresters play a key role then in the
23 process?

24 A. Yes, they do.

25 Q. What is the historic role of the

1 forester in this process?

2 A. Well, this process as it is embodied
3 in this document is, of course - as you are well
4 aware - a recent one. Historically, and I would just
5 ask for some clarification --

6 THE CHAIRMAN: Excuse us for a moment.

7 ---Short recess

8 ---Upon resuming

9 THE CHAIRMAN: Excuse me, Mr. Williams.
10 That should continue for as long as it takes to get the
11 word passed from management to the contractors and,
12 hopefully, it will end shortly.

13 MR. WILLIAMS: I was just wondering, Mr.
14 Chairman: Is it something I said?

15 THE CHAIRMAN: According to my notes, it
16 has nothing to do with your presentation.

17 Well, I think it will stop very shortly,
18 so he says.

19 MR. WILLIAMS: Q. Mr. Armson, I was
20 asking you: What is the historic role of the
21 professional forester in the process that has evolved
22 historically since the end of the war?

23 A. The role in terms of management
24 planning is, obviously, I would say the preparation and
25 implementation of management plans under whatever

1 system or procedures are operating at the time.

2 The most recent, obviously, are those
3 with the current Timber Management Planning Manual. In
4 that, particularly coming to the present, the district
5 manager is the chairman of the planning team, but may
6 delegate that responsibility to another person and
7 often that would be -- normally that would be either
8 the unit forester or it could be someone else.

9 Does that give you -- does that answer
10 your question, or are you looking...

11 Q. Well, I presume then it is more that
12 the ground rules under which the foresters operate have
13 changed, rather than the dominant role of the forester,
14 him or herself; is that correct?

15 A. Yes, the procedures and processes and
16 the requirement via the planning team and the public
17 process for input is now quite different than it was,
18 let's say, 20 years ago or 30 years ago.

19 Q. But am I correct in the observation I
20 made a moment ago that the role of the professional
21 forester remains as dominant and as important in the
22 process as it did from the beginning while the process
23 was being developed?

24 A. Yes, it does, Mr. Williams. And it
25 does for what I believe is a very simple reason; in

1 that the plan, the timber management plan deals with
2 many activities, but one of the key ones is in the
3 manipulation of the forest vegetation, the tree cover,
4 and that is the area of expertise, particularly, of the
5 forester.

6 Q. During your evidence-in-chief you
7 gave a very detailed history of the system and how it
8 has evolved. With regard to the timber management
9 process as we have it today, is the timber management
10 process proposed in the Class EA different than the
11 current process?

12 A. It should be consistent with the
13 current -- with the EA. I am not aware that the
14 current, as practiced today, would be inconsistent with
15 the document.

16 Q. So that there are no significant
17 differences that are being proposed in that Class EA
18 from what is the status quo, in effect, today; is that
19 correct?

20 A. Not that I am aware of.

21 Q. Could you advise the Board, Mr.
22 Armson, what qualifications are necessary today to be a
23 unit forester?

24 A. To be a unit forester, the
25 qualifications would be graduation from a University

1 School of Forestry that is accredited. There are
2 also -- there is another pathway to becoming a
3 registered professional forester and there are a small
4 number of foresters in this province who have taken
5 that route and, in fact over a period - usually of
6 several years - write examinations for the Board of
7 Examiners of the Ontario Professional Foresters
8 Association.

9 On successful completion of both the
10 examinations and the preparation of a management plan
11 that is reviewed and judged by the Board of Examiners,
12 they are then accepted into or maybe, if they complete
13 the requirements - that includes also a period of
14 professional experience or forestry experience - then
15 they become registered professional foresters.

16 And, in terms of the Crown Timber Act,
17 they then are eligible, for example, to be a unit
18 forester.

19 Q. And the district managers of the I
20 guess eight different districts that we have in the
21 province, they would all be unit foresters; would they?

22 A. No, I am sorry, Mr. Williams, they
23 are eight regions.

24 Q. Regions, I'm sorry. You are with the
25 district.

1 A. But each of the district managers,
2 six to eight --

3 Q. I am sorry, the regional managers.

4 A. A regional director may or may not be
5 a district -- be a forester. In fact I would -- the
6 majority are not.

7 Q. Okay. You obviously would have the
8 qualifications, if you were so inclined, because of
9 your academic and background and training, to be a unit
10 forester if you were so inclined, in fact I guess you
11 have been in the past, have you or not?

12 A. No, I have not been a unit forester,
13 I may have those qualifications...

14 Q. And I presume then you would have the
15 same qualifications a unit forester would have to make
16 decisions relative to developing the forest management
17 agreement plans and other--

18 A. Yes.

19 Q. --forest management agreements that
20 have existed in the past; is that correct?

21 A. Yes.

22 Q. In 19 -- well, let me ask you this:
23 Why is it desirable to have a forester act as the
24 co-ordinator of the planning team as stated in the
25 Class EA?

1 A. Principally because the plan that is
2 being developed is a timber management plan and is
3 developed and the plan deals with, as I say, the
4 activities primarily relating to manipulation of the
5 forest and activities related to timber management.

6 I would add that it isn't always that a
7 forester is the co-ordinator, but you are correct, that
8 often that is the case.

9 Q. Could you capsulize as to what the
10 duties of that person would be in the role of a
11 co-ordinator?

12 A. Well, the role of co-ordinator would
13 be to ensure that there is the -- that the input that
14 comes in is dealt with, considered as it relates to the
15 objectives of management and the development of the
16 management plan.

17 And I think it is during the period of
18 development of the plan that it is very important that
19 those matters are taken into account.

20 Q. Do you feel that there are other
21 professionals who would be equally suitable for
22 handling those particular responsibilities?

23 A. For the co-ordination of the planning
24 team?

25 Q. Yes.

1 A. I think it is possible, yes. Certain
2 individuals with different backgrounds could do that.

3 Q. Do you feel that, say, an economic
4 planner or a biologist who had some experience with
5 forestry, would at least be able to accept technical
6 input from foresters to synthesize the information
7 sufficiently to undertake such a matter competently?

8 A. Such an individual could, but I would
9 reiterate that the actual plan has to be prepared by a
10 professional forester. And, in that sense, the
11 co-ordinator is doing just that.

12 The fact that the co-ordinator might also
13 be the author of the plan, as would happen if it were
14 the unit forester, for example, is a coincidence -- not
15 a happenstance, it is a coincidence.

16 Q. And I believe you said that is
17 mandated by the Crown Timber Act; is it?

18 A. Yes, that's correct.

19 Q. In 1976 you authored your report
20 entitled: Forest Management in Ontario. Do you still
21 agree with the contents of that report?

22 A. I would say this: That in general,
23 yes. Time has overtaken some of the observations and
24 recommendations and as with anything that is, in this
25 instance, almost exactly 12 years old, time has

1 overtaken some of the recommendations.

2 Q. If I could refer you to page 102 of
3 your witness statement which is the Roman numeral III
4 page in your report, you state that the purpose of your
5 report is to carry out an in-depth evaluation of the
6 forest management activity and related sub-activities
7 in other programs.

8 Is that correct?

9 A. Yes.

10 Q. Then on page 110, with regard to
11 evaluation of the forest management activities referred
12 to in your terms of reference -- I refer you to the
13 definition of forest management as set out in your
14 reference to the 1967 Brodie Study Unit at the top of
15 page 110.

16 A. Mm-hmm.

17 Q. It is under the underlining and, if I
18 might, it reads:

19 "Forest Management. Generally the
20 practical application of scientific,
21 economic and social principles to the
22 administration of a forest estate for
23 specified objectives. More particularly,
24 that branch of forestry concerned with
25 the overall administrative, economic,

1 legal, and social aspects and with the
2 essentially scientific and technical
3 aspects especially silviculture,
4 protection, and forest regulation."

5 That is an accurate definition of forest
6 management as in the Brodie Study Unit Report; is that
7 correct?

8 A. Well, it is the definition -- they
9 used the term and I defined it according to a standard
10 terminology from -- that has been prepared and used
11 essentially internationally, certainly in the
12 English-speaking world.

13 Q. And forest estate referred to in that
14 definition is defined as an area, whatever its
15 ownership, used for forestry purposes; right?

16 A. Yes, correct.

17 Q. Now, Mr. Armson, is that then the
18 basic definition that you applied to the term forest
19 management in your evaluation of the forest management
20 activities?

21 A. That is correct.

22 Q. Do you consider that definition to be
23 equally valid in 1988?

24 A. Yes, because I believe the objectives
25 become a key factor. The management activities are

1 directed towards achieving objectives and that is --
2 the statement of objectives, of course, in that
3 definition, that is something that is determined for
4 each forest estate, if I might.

5 Q. In your terms of reference which I
6 quoted to you a few minutes ago, the other part of that
7 term, you were asked to evaluate at the same time
8 related sub-activities and other programs.

9 What were those sub-activities?

10 A. Those were activities related -- in
11 retrospect, I think I looked at some of the areas and
12 in the report I dealt with this, where other values and
13 timber production were dominant or could be dominant.

14 And I believe in the report, later on, I
15 made some, not only comments, but I believe the
16 recommendations concerning the application of
17 management and manipulation of the forest to achieve
18 those other objectives.

19 Q. There is a point here I would like to
20 get clarification on, if I might.

21 Page 11 of your statement of evidence
22 dealing with your Curriculum Vitae, in the third full
23 paragraph it is stated:

24 "From the mid-1970s onward, Mr. Armson's
25 focus shifted from the scientific and

1 technical aspects of forestry toward the
2 broader principles of forest management,
3 tenure and forest policy, culminating in
4 his publication in 1976 of his book
5 entitled "Forest Management in Ontario."

6 Is the use of the term 'book', are we in
7 fact referring to your report?

8 A. Yes.

9 Q. It is one in the same document?

10 A. Yes, it has been treated as a book by
11 libraries.

12 Q. I see. So then is that observation
13 what you were driving at when you were talking about
14 sub-activities?

15 A. No, not specifically. The
16 sub-activities I think that were in the terms of
17 reference that were given me were to look at forest
18 management primarily in relation to those activities
19 related to timber production, but also where they
20 impacted or could impact on other values; for example,
21 within parks.

22 They specifically made a point of
23 visiting and in fact looking at areas - and I am not
24 speaking here incidentally of either Lake Superior or
25 Algonquin Park where timber management occurs, but also

1 other parks where it does not occur as such.

2 The example I would give, and I spent
3 some, I think at least a full day, was in the Sibley
4 Provincial Park not too far from here.

5 Q. Then I am correct, am I not - and
6 perhaps this is most easily confirmed by reference to
7 the Table of Contents of your report, on page 106, Mr.
8 Armson.

9 I am correct in stating that your report
10 did not deal with the social, economic or environmental
11 aspects of non-timber values as sub-activities?

12 A. Not as such.

13 Q. If you were asked to do such a report
14 today, would you have done it any differently?

15 A. Well, if the terms of reference were
16 the same ones that were here, I would I believe suggest
17 that they might be amended or changed. There are
18 certain elements of this that I believe have a much
19 broader basis than the terms given in 1975.

20 Q. If you had been asked then to broaden
21 the terms of reference, how would you do that, in what
22 fashion?

23 A. I suppose now I am amending a
24 hypothetical set of terms of reference, but if I were
25 to take these as the given, I think I would look at

1 terms of reference which would direct me specifically
2 to management activities related to, and then very
3 specifically, timber production and the
4 inter-relationship or segregate out that timber
5 production as related to other values.

6 I think that's the area that I would very
7 definitely want to be much more particular about than
8 in 1975.

9 Q. At page 111 of your witness
10 statement, in the second sentence of the first full
11 paragraph you state:

12 "The fact that the forest is viewed as a
13 resource to be exploited is still the
14 most serious impediment to forest
15 management."

16 Do you believe that in 1988 this is still
17 the most serious impediment to forest management?

18 A. No, I do not.

19 Q. Why?

20 A. Because I believe from what I see in
21 my own work that there is a very broad recognition that
22 the forest, if it is going to provide on a continuing
23 basis those, both tangible and intangible, benefits to
24 society, that there is a general recognition that
25 simple exploitation will not sustain that kind of a

1 continuity and that -- two things:

2 There is a concern, as I mentioned
3 earlier, for the fact that the forest is finite, even
4 in very large areas; and, secondly, there is I think
5 not a major understanding, but I believe there is a
6 considerable understanding that ensuring that the
7 forest resource and all of the values that we associate
8 with it, that those are maintained, requires both
9 commitment and a very definite specification of what it
10 is being managed for. And I believe that is a
11 different -- quite a different approach and perspective
12 than viewing it as a forest that is to be exploited.

13 THE CHAIRMAN: Mr. Armson - if I might
14 just interject for a moment, Mr. Williams - would you
15 consider that today the view out there within the
16 Ministry, and without, of the forest is that of
17 creating a situation for sustainable development?

18 THE WITNESS: I think there is a very
19 mixed opinion out there, Mr. Chairman. I think there
20 are many people who, I would agree, do not see that as
21 a sustained -- as the activities or the Ministry, but I
22 believe that is because of both misunderstanding and
23 perhaps a lack of opportunity to see what is going on
24 and what are the factors involved in these public
25 lands.

1 THE CHAIRMAN: Thank you.

2 MR. WILLIAMS: Q. In paragraph 5 of your
3 witness statement, one of your nine major concepts of
4 importance to timber management today is stated at
5 sub-clause (d) as follows:

6 "management of the timber resource is
7 dependent upon the availability of
8 professional expertise and knowledge."

9 Is that correct?

10 A. That is correct.

11 Q. At page 226 of your witness statement
12 we have Chapter 11 of your 1976 report entitled:
13 Professional and Technical Staff and Forest Management.

14 There are three statements I would like to
15 refer you to to confirm their correctness and to
16 determine from you if they are, in your professional
17 judgment, equally valid today.

18 In the very first sentence you say:

19 "The management of forests requires the
20 implementation of practices by
21 professional foresters and forest
22 technicians."

23 A. Correct.

24 Q. Do you have any reason to have a
25 different opinion today from what you said then in that

1 report?

2 A. No, I would support that statement.

3 Q. On the next page, in the middle of
4 the page under the heading: Professional Foresters
5 vis-a-vis Forest Technicians, there are two sentences
6 here:

7 "The technician may well be informed and
8 highly competent in carrying out the
9 practices but does this within a
10 prescribed framework."

11 Then not the next sentence but the
12 following:

13 "A management forester may often be
14 engaged in certain of the same activities
15 as a technician in the forest, but it is
16 his judgments and conceptual abilities
17 which are most critical."

18 Firstly, you agree with those statements?

19 A. Oh, yes.

20 Q. Today as then?

21 A. Yes, equally so.

22 Q. Can you just elaborate and clarify,
23 where is the boundary line between the forest
24 technician and the forester?

25 A. Well, there are a number of

1 boundaries, some are credential ones; that is, in
2 certain organizations, it is a very clear one: If you
3 have a degree or a membership in a certain association,
4 that is the boundary line.

5 Here I am speaking really not so much of
6 the credential difference or the difference based on
7 credentials, but more in relation to the approach of a
8 professional person as distinct from that as a
9 technician.

10 And I have really highlighted the point
11 that, first of all, in the sentence that was in the
12 middle, in any range of individuals a person may be a
13 technician and have all the abilities of a professional
14 without the credentials, but the conceptual ability is
15 a key one as well as, of course, the ability to have a
16 certain body of knowledge and experience.

17 I see the difference, as I say, as one
18 that was related primarily to the individual's ability
19 to conceive, to conceptualize in relation to what they
20 are attempting to do. That is the prime difference.

21 Q. The third quote is on the next page
22 again, page 228, and I gather that this is taken from a
23 quote of a former district forest management supervisor
24 to a district manager, and I gather you placed a lot of
25 weight and concurred with this statement because you

1 chose to quote it in your report. And it says:

2 "If sound forest management is ever to be
3 practised in this province, the foresters
4 must be left free to plan and monitor.
5 The technicians must implement the plans
6 and provide a practical input to a
7 planning process. "

8 Agreed?

9 A. I would modify that, and I think
10 perhaps even then I would have some qualification, but
11 I don't believe the forester --

12 Q. So you didn't totally agree with
13 that, even though you quoted that observation?

14 A. The point in the quotation, if I may,
15 was that there should be some clear understanding in
16 terms of the responsibilities of the forester for a
17 particular estate -- the forest estate and the
18 technicians.

19 The foresters cannot be left free to
20 manage the estate that belongs to the owner or owners;
21 obviously, the forester must in fact carry out the
22 wishes of the owner with respect to that estate.

23 Q. So that's the qualification you put
24 to that--

25 A. That's correct.

1 Q. --particular observation?

2 I would refer you, Mr. Armson, to
3 Appendix A of your report, that's page 268. Appendix A
4 is headed: Ministry of Natural Resources staff by
5 district or location who provided verbal testimony
6 during the study.

7 And we have got almost three full pages
8 of names here, and recognizing this was some time ago
9 you may have some difficulty in refreshing your memory.

10 But could you recall from what
11 disciplines all, if not most, of these parties that you
12 questioned came from?

13 A. The very largest majority were
14 foresters or forest technicians. There are a fairly
15 large number of technicians in that list; they are not
16 a major number, but there were many technicians I spoke
17 with. Administrators, I am looking at -- there were a
18 small number of biologists I spoke with, I believe, and
19 I am just trying to...

20 Q. Would it be fair to say that far and
21 away the vast majority of those people who you
22 questioned were foresters rather than the --

23 A. Foresters, yes. Foresters and a
24 smaller number of forest technicians.

25 Q. Okay. Is there any reason why there

1 might not have been a better balancing of seeking
2 professional advice by talking to others who I think
3 you probably have characterized or classified as
4 technicians, such as biologists or economists or
5 recreation planners in assisting you to get a better,
6 broader overview of the situation at that time?

7 A. Well, as I say, there were a number
8 of technicians, I see their names in here. Planners, I
9 think there may even be one or two planners in here.

10 But, you are correct, in the sense that
11 they are primarily foresters, and to a lesser degree
12 forest technicians, not others.

13 Q. I presume then, Mr. Armson, in your
14 role as the Provincial Forester you must have an
15 intimate knowledge as well as to who the professional
16 foresters are today within the operations of the
17 Ministry of Natural Resources?

18 A. I know a good number of them, but
19 there are young foresters who have come on staff. I
20 have seen them through the forester in training
21 program, but I wouldn't say I know all of them.

22 Q. I am producing to you, Mr. Armson, to
23 be filed as an exhibit, a photocopy of pages 367 to
24 383, both inclusive, of the Government of Ontario
25 Telephone Directory, February, 1988 -- Mr. Castrilli's

1 favorite authority.

2 THE CHAIRMAN: What happens when that
3 telephone directory new issue comes out?

4 MR. WILLIAMS: Well, we will just have to
5 update it. (handed)

6 MR. FREIDIN: Just thinking about it,
7 some time perhaps we can make the entire document...

8 THE CHAIRMAN: This will be Exhibit No.
9 66. It will be an excerpt from Government of Ontario
10 Telephone Directory, February, 1988.

11 ---EXHIBIT NO. 66: Excerpt from Government of Ontario
12 Telephone Directory, February,
1988.

13 MR. WILLIAMS: Q. Mr. Armson, while I
14 have been distributing the document you probably had a
15 chance to glance at some of the different groups and
16 branches within the Ministry.

17 I am certainly not going to go through
18 each and every one of them, but I do want to highlight
19 a few of them to determine the professional status or
20 position of people in key roles within the Ministry.

21 Perhaps starting with the Forest
22 Resources Group, the Executive Co-ordinator, John
23 Goodman, would he be a professional forester to your
24 knowledge?

25 A. Yes, he is.

1 Q. In the area of the Tree Improvement &
2 Biomass Section, Dr. George Buchert and Terry Taylor,
3 would they be professional foresters?

4 A. I don't believe they are in terms of
5 being members of the Registered Professional Forester
6 in the Province of Ontario.

7 Q. What about the Forest Ecology and
8 Silviculture Section, the principal scientists there,
9 Dr. Chris Glerum and Dr. Dys Burger, would they be
10 professional foresters?

11 A. Both of them are graduate foresters.
12 I couldn't be sure whether they again are members of
13 the Professional Foresters Association. They are both
14 graduate foresters, though.

15 THE CHAIRMAN: Does it make a great deal
16 of difference, Mr. Armson, if you are a graduate
17 forester but do not belong to the association?

18 THE WITNESS: Not in terms of practising,
19 except for the preparation of timber management plans
20 under the Crown Timber Act.

21 THE CHAIRMAN: So somebody who is a
22 graduate forester could perform essentially all of the
23 functions of a registered forester, if I might put it
24 that way, with the exception of that one activity
25 which is statute mandate?

1 THE WITNESS: That is correct, sir. In
2 other words, if two graduates from a graduating class
3 of the School of Forestry here in Lakehead University,
4 one may become a member of the association and one may
5 not, and both may perform exactly the same functions in
6 the same organizations, be they public or private.

7 THE CHAIRMAN: Thank you.

8 MR. WILLIAMS: Q. If I could take you to
9 Forest Resources Branch, the Director, Larry Lambert,
10 do you know his qualifications?

11 A. He has a Bachelor and Master's in
12 Forestry, but he is not -- I know for a fact, is not a
13 member of the Professional Foresters Association.

14 Q. And what about Gord Olford in the
15 Forest Production and Control Section?

16 A. He is a graduate forester and I am
17 not sure whether he is or is not a member of the
18 association.

19 Q. Coming over to the other side of the
20 page in the Timber Sales Branch, would the Director Ed
21 Markus be a professional forester?

22 A. He is a forester yes, but not a
23 member. He was a member of the association and
24 resigned, I believe.

25 Q. Dr. John Osborn in the Forest

1 Mangement Information Section, do you know his
2 qualifications?

3 A. He is a graduate. He is a forester
4 and a graduate and I presume - I haven't looked at his
5 CV just recently, so I am not aware whether he is a
6 member of the Ontario Professional Foresters
7 Association or not.

8 Q. What about in the Management Planning
9 Section of the Ministry's operations, the Manager, Tim
10 Tworzyanski -- I hope I have pronounced that correctly?

11 A. Yes.

12 Q. He is a professional forester?

13 A. I believe so -- well, he is a
14 graduate forester.

15 Q. Graduate forester, I see.

16 And in the Wood Allocation Section and
17 Wood Measurement Section, Ken Cleary and Bob Schroeder,
18 are they both --

19 A. Ken Cleary is a graduate forester.
20 The other name you mentioned...?

21 Q. Bob Schroeder in the Wood Measurement
22 Section?

23 A. I do not believe he -- he is in
24 charge of the wood measurement, no.

25 Q. I see, okay. Just a couple of names

1 in the Land and Waters Group. We are getting a little
2 bit afield from straight timber management, but what
3 about the Policy and Program Development Section,
4 Thomas Farrell, the Manager of that section?

5 A. Is he a graduate forester? Not to my
6 knowledge.

7 Q. All right. Bob Chang in the Water
8 Management Section, he wouldn't be--

9 A. No.

10 Q. --a forest graduate?

11 A. No, I believe Bob is an engineer but,
12 no, he is certainly not a graduate forester.

13 THE CHAIRMAN: Mr. Williams, what exactly
14 is the relevancy of some of these other divisions?

15 MR. WILLIAMS: Well, that's why I am just
16 touching on one or two of those and I will come to the
17 other one in a moment.

18 Mr. Chairman, there is just two other
19 names here, and then I am going into the timber
20 management area again.

21 Q. In the Land Management Branch of that
22 area, Sheralyn Yundt wouldn't be --

23 A. She is not a forester, no.

24 Q. In the Wildlife Branch, Donald
25 Simkin, the Director.

1 A. No.

2 Q. Do you know what his status is?

3 A. I believe Mr. Simkin is a biologist.

4 I don't --

5 Q. A biologist. Then he is not a
6 forester, to your knowledge?

7 A. Not to my knowledge.

8 Q. All right. Then coming to the eight
9 regions in the 47 districts -- I am not going to go
10 through each and every one of them that are
11 administered by the Ministry.

12 You would have surely an awareness of
13 basically the status of the eight regional directors, I
14 presume. Would they all be professional foresters?

15 A. No. Mr. Elliott in the northcentral
16 region is a forester.

17 Q. Yes?

18 A. And in the area of the undertaking, I
19 don't believe there are any other regional directors
20 who are foresters.

21 Q. There are none others?

22 A. No, Mr. Johnson in the northwestern
23 region is a biologist and Mr. Riley who is now acting
24 ABM was the regional director in northern region, until
25 recently he was from the area of geology.

1 Q. I'm sorry, I couldn't hear, could you
2 speak up.

3 A. Geology, mining. And Mr. Klugman in
4 the northeastern region is a geologist.

5 Q. With regard to the 47 districts, I
6 presume it would be more important there then, would
7 it, to have professional foresters or --

8 A. Not as district managers, no. The
9 structure of the Ministry, as I think was indicated,
10 is: The district manager is the individual who
11 represents the -- via the Ministry, the owners in that
12 district; that is, the public, and it is not necessary
13 that they be a professional forester or a forester.

14 Q. All right. Well, let me just ask you
15 this basic question: Do you know what percentage of
16 those 47 district managers would be professional
17 foresters?

18 A. No, I couldn't answer that offhand,
19 Mr. Williams.

20 Q. Do you feel that there is any
21 imbalance brought about by reason of the number of
22 professional foresters within the different branches
23 and groups of the Ministry's operation that would tend
24 to favour wood resource considerations even before the
25 components of -- the total components of timber

1 management, or considering in the broadest sense of the
2 word?

3 A. No, I wouldn't.

4 Q. Do you feel that there is an
5 over-abundance of professional foresters within the
6 Ministry that would tend to have a greater empathy
7 towards or interest in the forest products side of the
8 equation rather than the total timber management
9 consideration as is the Board's mandate to consider
10 here?

11 A. That would probably be true because
12 their main activities would be those relating to, as I
13 say, timber management activities very specifically
14 directed towards the production of timber, for the most
15 part.

16 Q. Do you feel that, given that
17 situation, that this could in any way impede or
18 prejudice full application of the principle of
19 integrated resource management and multiple land use
20 considerations that appear to be the order of the day?

21 A. In my opinion, there is no reason
22 that that should. In fact, the setting in place of
23 planning teams and the presence on those teams of
24 members of the Ministry with other professional or
25 technical expertise is, I think, a very deliberate

1 attempt to ensure that in the preparation of the plan
2 that those other values -- other areas of expertise and
3 knowledge are present and have their full place to --
4 have a place to play in that process.

5 Q. Do you personally agree that
6 tradeoffs between different resource values are
7 necessary in forest management?

8 A. That is correct in many instances,
9 because the owners will have to make those decisions or
10 the agents of the owners.

11 Q. Just so that we are entirely clear
12 here, let me use an example, if I might.

13 If I were to ask you to set, as your
14 primary objective, an increased moose population
15 instead of commercial timber, would you manage the
16 forest differently if that was your mandate?

17 A. If that was the mandate, it might
18 well be that the forest would be managed differently
19 than if moose were not the prime consideration.

20 Q. I presume if that was the different
21 thrust or direction that you were instructed to take,
22 that the forest itself would look differently at the
23 conclusion of your undertaking?

24 A. I would expect so.

25 Q. Would you want it to look different

1 than if you were managing for maximizing timber
2 production?

3 A. If I were the professional forester,
4 I would -- the question of how it would look I think is
5 not really a key factor. I think, to me, it would be
6 whether I'm - as a professional forester - exercising
7 my knowledge and expertise to carry out and achieve the
8 objectives of the owner in this case.

9 I might -- I would then tell him what
10 most likely that forest would look like if you wanted
11 to manage it for moose or for whatever.

12 Q. If this Class EA as proposed is
13 approved, how do you envisage that the tradeoffs will
14 be made?

15 A. The tradeoffs would be made at the
16 management unit level, essentially. That is where the
17 input and where the values are identified.

18 If I understand your question, because
19 those are the individual pieces of the forest estate
20 that are managed to achieve very specific objectives at
21 that point. Those objectives may change for the unit
22 within a location in the province, I think they
23 obviously would, in certain circumstances.

24 Q. How would the significance of the
25 resource values be established in the tradeoff process?

1 A. Well, there are a number of ways.
2 The owners put values on them. Those are often values
3 that are arrived at in a sense not in a neat arithmetic
4 way but, as a sense, the owner wants something.

5 That would apply to an individual owner
6 as well as it does to public lands. For the most part,
7 I believe with public lands, society indicates in the
8 process of government that we have what it wants to
9 achieve in general terms from those resources.

10 Q. What would be the role of the unit
11 forester in that tradeoff process?

12 A. The unit forester has a role in
13 saying: If the owner wishes to achieve these
14 objectives, then from this particular forest estate
15 these, in the forester's judgment, are the ways those
16 objectives can be achieved in terms of the areas that
17 he's competent to deal with; that is, the activities in
18 relation to the timber management and he can tell the
19 owner or agent of the owner what are the implications
20 of pursuing those objectives over time; both short,
21 medium and long-term.

22 Q. Do you expect that --

23 THE CHAIRMAN: Excuse me, Mr. Williams.
24 Mr. Armson, I am having a little trouble understanding
25 that.

1 Does the unit forester always operate
2 with objectives solely coming down from above and then
3 saying: If these are the objectives, here's how these
4 objectives can be carried out or managed; or is the
5 unit forester also involved in looking at the overall
6 situation and then focusing, to some extent, his
7 knowledge into formulation of what he would consider to
8 be appropriate objectives?

9 THE WITNESS: I think, Mr. Chairman,
10 there are elements of both. Obviously the setting of
11 specific objectives for a given piece of management
12 unit can only be done at that level, but those --
13 certain of those objectives, for example, as they might
14 be aggregated to a regional level or even beyond that,
15 there has to be some concern about whether, in fact,
16 this unit or this area will carry out this order of
17 magnitude of activity to achieve what may be a part of
18 a larger objective.

19 So there is the two things. I think if I
20 understand your question, often the forester and other
21 professionals are put in the position of suggesting
22 what kinds of objectives might be reasonable to
23 achieve, given a certain level of resources.

24 So it isn't always a nice neat tidy --

25 THE CHAIRMAN: The reason I am asking

1 that is: Based on Mr. Williams' previous questions, a
2 lot of the tradeoff activity occurs at that level and
3 the tradeoff activity, in order to be a viable tradeoff
4 would have to be based to some extent on input at that
5 level.

6 THE WITNESS: That is correct.

7 THE CHAIRMAN: From the public or a land
8 owner or whoever might be impacted by that particular
9 activity.

10 THE WITNESS: I would agree.

11 THE CHAIRMAN: So, therefore, I guess
12 what I am asking is: Does the input have that much
13 validity at that level if the objectives are imposed
14 from above?

15 Doesn't the input, to some extent - not
16 establish - but underly the objectives; in other words,
17 you get to objectives as well from input from those
18 that would be directly impacted. Is that not the case?

19 THE WITNESS: I understand you. I think
20 it fair to say that there could well be situations
21 where an objective is "imposed", but in my experience
22 it isn't sort of normal for that to be handed down as:
23 Thou shalt produce "x" amount.

24 It is usually worked out on a: What can
25 various areas produce, there is a dialogue, and this is

1 really what the whole business of coming to grips with
2 it is about. And many of the objectives, I believe,
3 are in fact basically local objectives for much of what
4 we are dealing with.

5 MR. WILLIAMS: Q. Mr. Armson, let me ask
6 you this: Do you expect that the forest management
7 objectives, in terms of priority of one resource value
8 relative to another, will change significantly from one
9 site to another for the great majority of the area of
10 the undertaking?

11 A. For the great majority of the area, I
12 would say no, they probably wouldn't change, but there
13 are significant areas where they may well change and
14 perhaps -- and should change, in fact.

15 Q. In the overall, you are suggesting
16 otherwise?

17 A. In the overall I don't see that -- I
18 haven't been aware of major evidence that those
19 objectives would change to a very large degree.

20 Q. The District Land Use Guidelines set
21 out specific targets for each district; is that
22 correct?

23 A. Right.

24 Q. In the case of the commercial timber
25 objectives, how do you envisage the district target

1 will be partitioned among the forest management
2 agreements?

3 A. The forest management agreements are
4 part and parcel really of district targets. You start
5 really with something that is already in place, a fact
6 of life; that is, a demand - and I am going back beyond
7 the last few years - and the targets that may be set --
8 I take it, you mean provincially for some level?

9 Q. Yes.

10 A. They should be arrived at by, first
11 of all -- and I come back to this scale - what is the
12 broad level of target for the province. Whether it is
13 "x" million or "y" million of cubic metres, is
14 something that can be arrived at at that global scale
15 or provincial scale, I think reasonably well if you
16 look at the entire industry.

17 When you come down to the local level,
18 regional and district - and I will be again speaking to
19 this in a panel coming up - what you then have to deal
20 with, and particularly within the last decade and
21 increasingly so, is the fact that wood targets for a
22 given unit to produce for mills, the targets are there
23 but the wood will flow in quite different patterns over
24 time.

25 In other words, if we target to produce a

1 certain amount of wood in the year 2020 from a given
2 area, we can only do that on the assumption of existing
3 demand, knowing full well that those demands and
4 locales may change.

5 I guess what I am really saying -- trying
6 to say, Mr. Williams, in response to your question is
7 that in terms of those targets, we use them as
8 approximations; sometimes very clear ones and sometimes
9 not as clear, and then we work from there at the local
10 level and regional level with those as best we can.

11 Q. So even though there may be
12 variations there you would agree, I presume then, that
13 once these targets are allocated in this fashion that
14 for all intent and purposes they are of clearly
15 established primary importance of timber in the forest
16 management agreement, I mean that is what it is all
17 about; isn't it?

18 A. Well, where the targets are for
19 timber production, yes. There are targets, though, for
20 other resources and other resource values.

21 Q. All right. In that regard, there has
22 been a lot of talk in Panel 1 - and you were here to
23 hear a lot of the testimony talking about the District
24 Land Use Guidelines and the Strategic Land Use Plans -
25 what role do you see the District Land Use Guideline

1 targets playing in the forest management planning
2 process?

3 A. Well, they give both a direction and
4 a quantification.

5 Q. You talked about deviation a moment
6 ago. I mean, there is deviation, then there is
7 deviation. I mean, within certain limits or what
8 deviations do you see that are available once these
9 targets are set?

10 A. Well, I don't think I can say what
11 level of deviation would be something of significance
12 as such, but over time they are guidelines and they are
13 meant -- they obviously recognize the fact that over
14 time targets may change, circumstances may change, but
15 at any one instant in time they are there to, as I say,
16 give direction and some quantification towards the
17 achievement of those objectives.

18 Q. Who would make the final decision in
19 those circumstances where it appeared that there may be
20 some justification for deviation being made? Who is
21 left with the bottom line to make that decision with
22 regard to deviations?

23 A. Well, I can't answer in terms of a
24 specific individual. Obviously any change in district
25 guidelines would involve a number of people, not only

1 in terms of the Ministry but, obviously outside the
2 Ministry.

3 Q. All right. Let's see if I can help
4 you here. Let's just go back to that example I used
5 earlier about, if your terms of reference were to give
6 emphasis to moose management and moose populations,
7 rather than timber.

8 Let's say, for instance, the moose
9 targets couldn't be met as far as increasing the
10 population, and yet the forest management target could
11 barely be met, where would you make the tradeoffs there
12 or how would you deal with it when both of them in
13 effect, are in jeopardy?

14 Would it be depending on what
15 instructions you received from someone else, or who has
16 to make that final decision and how is it done in the
17 tradeoff process?

18 A. I can't speak to the moose one, Mr.
19 Williams, but if there were a problem in terms of the
20 timber production - and that could well be because of
21 fire or some other catastrophe - but I think the
22 individuals involved; the unit forester, the district
23 manager, the regional person, and the industry who were
24 primarily affected by any inability to provide, would
25 be involved in discussions as to how to mitigate or

1 ameliorate that shortfall which would come - and I can
2 only speak in terms of timber - and that, in fact, does
3 happen.

4 Q. All right. We have been discussing
5 tradeoff decisions and how they might be reached and
6 the need to assign priorities or objectives.

7 I refer you to page 172, page 172 of your
8 witness statement and here you identify three major
9 types of forest:

10 "(1) Areas where production of wood is
11 the primary objective.

12 (2) Areas where production of wood and
13 one or more other objectives are
14 co-dominant."

15 And, thirdly:

16 "(3) Areas where the primary objective is
17 other than wood production; major use is
18 often non-consumptive."

19 Now, given those three major types of
20 forests, if I were a unit forester, could I use the
21 forest types as you have described to develop
22 priorities for making tradeoff decisions?

23 A. I would -- yes, I believe that as a
24 unit forester within a unit you could identify those
25 broad areas in those three categories, and that could

1 be done in conjunction again with input from other
2 resource persons, particularly for items (2) and (3).

3 Q. All right. So that again using the
4 example I have used a couple of times here, if I were
5 in, say, the second class--

6 A. Yes.

7 Q. --I might assign equal priority then
8 or weight to moose and timber production. Whereas in
9 the first class timber would be given the pre-eminence;
10 is that correct?

11 A. That was my suggestion here, yes.

12 Q. Okay. Based on your description of
13 forest types, the second and third classes relate to
14 quite specific areas, am I not correct; whereas Class
15 (1) pertains to the greater majority of the province
16 and the undertaking?

17 A. No, in fact many of the areas in the
18 area of the undertaking, I would say, would come very
19 clearly into (2) as well as (1). The majority would be
20 in (1) and (2), put it that way.

21 Q. So you are saying then that certainly
22 (1) and (2) would apply equally across the province--

23 A. Yes.

24 Q. --in the area of the undertaking?

25 A. And, in fact, they do in many of

1 the -- much of the timber activity in fact fits within
2 those two categories currently.

3 Q. Do you feel that this is the view of
4 the unit foresters that areas of production of wood and
5 one or more other objectives are co-dominant is a
6 prevailing consideration in the work that they are
7 assigned to do in meeting the objectives of this Class
8 EA?

9 A. I wouldn't think it's prevalent. I
10 perhaps might -- in Item (2) there are areas where the
11 production of wood and one or more other objectives are
12 co-dominant, doesn't necessarily mean that the
13 production of wood may be -- or the activity, the way
14 in which it is carried out, would change very
15 dramatically in many instances by virtue of the nature
16 of the forest.

17 Q. In paragraph 16 of your witness
18 statement--

19 THE CHAIRMAN: Page 26?

20 MR. WILLIAMS: Correct.

21 Q. --you make reference to - I am
22 looking at the top of the page - forest management
23 objectives as if they exist.

24 Then the very example you use suggests
25 that direct economic return from harvesting is the

1 primary objective and, hence, the need to cut
2 economically over-mature forests still stands.

3 Is that not a clear - even though by way
4 of example - a clear evidence of the emphasis for
5 ensuring that there is an economically viable forest
6 activity out there rather than relating to the other
7 predominant factors?

8 A. Well, this example was used; and, you
9 are correct, it was only an example, because the
10 purpose of the undertaking is to provide timber for the
11 forest industry and, therefore, that was a natural
12 example.

13 Q. In paragraph 15, just to make -- one
14 page back, you refer to the normal forest and I think
15 there was some discussion about this the other day.

16 What relationship is there between the
17 normal forest and wildlife production or recreational
18 benefits?

19 A. Oh, there is a very clear linkage.
20 For example, if you want to provide -- to meet a
21 wildlife or some other objective other than timber
22 production, you may well want to have a relatively
23 balanced representation of these different -- of
24 forests of different age classes, from the young
25 through to the oldest.

1 I think -- I am not a biologist, but it
2 is my understanding that in terms of the management of
3 moose, that diversity - and I am familiar with some of
4 the literature from biology - that diversity, in
5 particular moving towards a balance of age classes,
6 including over-mature instances for other values - I
7 would agree there is a direction that is desirable.

8 Q. Well, I appreciate what you are
9 saying, Mr. Armson, but I don't see it in print. I
10 don't see that the normal forest concept relates to
11 other resource values; it seems to be based on the
12 concept of single-use optimization, does it not, based
13 on what we have before us in the witness statement?

14 A. Well, I would just reiterate that in
15 this particular set of evidence that was prepared, I
16 prepared it with the purpose -- there is a very
17 specific purpose of the undertaking in mind.

18 If I had been asked to prepare it with a
19 view to other values, I could talk about it in
20 different terms, but I would be not as knowledgeable
21 about those other resources.

22 Q. Well, let me just ask you this
23 question: Is the normal forest not the principal basis
24 for projecting future yields and allowable cuts?

25 A. No, the normal forest - as I think

1 indicated here - for the most part, is theoretical; it
2 would be very unusual, even as we strive towards
3 achieving to get it perfect, that too many facts of
4 nature enter in to create one form of imbalance one way
5 or another.

6 It is something that we move towards in
7 our management often, or we need not; but that is the
8 direction rather than the actual attainable goal in
9 most instances.

10 THE CHAIRMAN: Mr. Williams, would you
11 find a convenient spot to take a break?

12 MR. WILLIAMS: Right here, Mr. Chairman.
13 I was just moving to another line of questioning, so
14 that would be fine.

15 THE CHAIRMAN: Very well. The Board will
16 break for 20 minutes.

17 ---Recess at 3:05 p.m.

18 ---Upon resuming at 3:25 p.m.

19 THE CHAIRMAN: Thank you. Be seated,
20 please.

21 Mr. Williams?

22 MR. WILLIAMS: Q. Mr. Armson, in
23 paragraphs 4 and 5 of your witness statement you point
24 out that a number of societal and biological concepts
25 of importance to timber management today have been

1 developed over time and you suggest over a 20 to
2 30-year period.

3 And then again coming back to paragraph
4 5, which you spent some time on during your
5 evidence-in-chief, you identify nine major concepts of
6 a societal or biological nature.

7 I would like to, if I might, Mr. Armson,
8 explore with you some of these concepts in a little
9 more depth; and, firstly, paragraph 5(e) which states:

10 "The ability to engage in effective
11 management planning requires the
12 definition of land areas upon which such
13 planning is possible and a description
14 and inventory of the timber resource."

15 Is that correct?

16 A. That's correct.

17 Q. Why don't you refer to comparable
18 data for other forest values?

19 A. Well, I would -- again, I would say
20 equally if you were planning management for another
21 resource value, then a description and inventory of
22 that "specific resource" would be required and, in
23 fact, it is required.

24 But as I pointed out, this was written in
25 the context of provision of timber.

1 Q. But you acknowledged earlier that we
2 have to be looking at timber in the broadest sense of
3 the word in all of the --

4 THE CHAIRMAN: Mr. Williams, I think the
5 witness has made it reasonably clear, at least to the
6 Board, that this EA has been approached on the basis of
7 looking at timber management in the context of the four
8 activities that they went through and looking at the
9 impacts of those four activities on other forest uses,
10 and I think it is clear that the document itself would
11 not have been written in the context of looking at all
12 of those other uses as if those were the primary
13 applications before the Board.

14 So I do not think it is going to--

15 MR. WILLIAMS: Very grateful.

16 THE CHAIRMAN: --be particularly helpful
17 to go through a lot of paragraphs and indicate, or ask
18 the question: Why are other values not dealt with in
19 those paragraphs where the emphasis or the focus has
20 been on the timber management activities.

21 I think, Mr. Armson, that is the gist of
22 what you are saying both with paragraph 5(e) and
23 others; is that not the case?

24 THE WITNESS: Yes, it is, Mr. Chairman.

25 THE CHAIRMAN: It is not to say they are

1 ignored and it is not to say that if the focus had
2 been on other activities in the forest that they would
3 not be dealt with in preparing an EA with respect to
4 those other activities; but that has not been the case
5 here.

6 So I am not sure what assistance your
7 line of questioning as to why certain other non-timber
8 uses of the forest have not been focused in the same
9 way as this particular EA has is that helpful to the
10 Board.

11 MR. WILLIAMS: I think your observations
12 are of assistance, Mr. Chairman. Thank you.

13 Q. Mr. Armson, looking at paragraph 5(b)
14 of your witness statement you say:

15 "It is necessary to provide mechanisms to
16 deal with conflicts between various land
17 uses."

18 And at the end of your
19 examination-in-chief, under prodding from your counsel,
20 you came back to these nine concepts and said, with
21 regard to this particular concept, the following -
22 to move to the second item: "The mechanism to deal
23 with land use conflicts..."

24 "I indicated that from the period of
25 World War I to World War II essentially

1 nothing happened. I would suggest to the
2 Board in the Panel 1 is evidenced by what
3 has happened in this province in the last
4 decade in particular, even in the last
5 five years, we have in place through the
6 land use planning process and District
7 Land Use Guidelines at least mechanisms
8 to deal with conflicts and we have in the
9 timber management planning process, in
10 particular a process on a five-yearly
11 basis, for consideration of not only
12 other uses, but ways in which those uses
13 and other values may be dealt with."

14 Do you recall making that statement?

15 A. Yes, I do. Yes.

16 Q. Are you telling the Board then that
17 these are two basic mechanisms: The land use process
18 through the District Land Use Guidelines and the
19 Strategic Land Use Plans, and the Timber Management
20 Plans; these are the two basic planning tools that are
21 used?

22 A. Those are the two mechanisms that are
23 in place; that are in fact not only in place, but the
24 one, the timber management planning process, has a
25 regular periodic opening up, if you will, and

1 opportunity for input from the public.

2 Those are the two key ones.

3 Obviously, there is the overall one of
4 government itself, but I didn't go into that. In terms
5 of the timber management process, the District Land Use
6 Guidelines and the planning process are the key ones.

7 Q. I refer you to page 188 of the Class
8 EA beginning at line 6, which reads:

9 "To date, three provincial guidelines
10 have been produced for the consideration
11 of other resource values in timber
12 management."

13 And then there is three bullets:

14 "- timber management guidelines for
15 protection of tourism values;
16 - guidelines for the protection of fish
17 habitat and timber management; and
18 - guidelines for providing moose habitat
19 in timber management."

20 Would you not consider these to be part
21 of the mechanism as well, Mr. Armson?

22 A. Well, they are a part of the process,
23 but they are not guidelines -- or the process related
24 to these, are not the same as those that were related
25 to the District Land Use Guidelines or the Timber

1 Management Plan, and these are guidelines that are
2 provincial ones and there was input indeed provincially
3 from many individuals and representatives, but they are
4 not specific to a management unit in the sense that
5 they are provincial guidelines and, therefore, they
6 have that value and use.

7 Q. Doesn't it say further down the page
8 at line 28:

9 "Application of these three provincial
10 guidelines in the timber management
11 planning process is mandatory."?

12 A. That is correct.

13 Q. So why would they not be any less, or
14 part of the mechanism than the District Land Use
15 Guidelines or the Strategic Land Use Plans?

16 A. Well, they are part of it. I guess,
17 Mr. Williams, what I was doing was distinguishing
18 between the planning process that related -- was very
19 specific to an area, either a district or a unit, and
20 these which are guidelines which apply across -- they
21 are part of that process, but they occupy a somewhat
22 different position, if you like, in that process.

23 Q. So you acknowledge they are part of
24 the--

25 A. Oh yes.

1 Q. --mechanism that you talk about in
2 5(b)?

3 A. They are, and I am sorry that I
4 didn't include them in quite that sense.

5 Q. I turn your attention now, if I
6 could, to Exhibit 8 which is a document entitled: The
7 Northeastern Ontario Strategic Land Use Plan, page 10
8 thereof.

9 A. Yes.

10 Q. Under the heading: Land and Water
11 Management, Section (c) Discussion, and in the
12 right-hand column of that page under sub-clause (3),
13 Integrated Land and Water Management (multiple use), it
14 states:

15 "The Ministry of Natural Resources
16 strongly favours multiple use as a
17 management strategy. The Ministry will,
18 as a result, manage public lands and
19 waters in an integrated manner rather
20 than separately through its component
21 resources."

22 And then skipping a sentence it goes on
23 to say:

24 "An integrated multiple use approach to
25 resource use will provide optimum

1 benefits for the people of Ontario."

2 Do you have any disagreement with those
3 observations and statements?

4 A. No. One can manage -- I would
5 comment that management of lands and waters in an
6 integrated manner doesn't necessarily mean that you
7 have to have one single plan. I think that -- I
8 wouldn't take that meaning out of it.

9 Q. I wasn't suggesting you do, I am just
10 wondering whether you agree with that?

11 A. I would agree, yes.

12 Q. Then if I might draw your attention,
13 coming down from the Strategic Land Use Plan, to the
14 District Land Use Guideline, and I want to use as an
15 example, if I might --

16 MR. WILLIAMS: I am not sure if this was
17 filed as a separate exhibit, Mr. Chairman, earlier or
18 whether it is simply a Document 8 to Exhibit 6 which
19 was Panel 1, the Wawa District Land Use Guideline.

20 Was that ever given a separate exhibit
21 number? I am just not...

22 THE CHAIRMAN: It appears to be part of
23 Exhibit 6.

24 MR. WILLIAMS: Yes, fine. I guess it was
25 Document 8 therein then. Thank you.

1 Q. If I could refer you to page 11 in
2 this document, again coming under the general
3 heading -- first, it is the general policy section of
4 the District Land Use Guideline under the general
5 heading: Land and Water Management and sub-clause (b)
6 under the heading: Multiple Use.

7 MRS. KOVEN: What page are you on?

8 MR. WILLIAMS: That's page 11, Mrs.
9 Koven.

10 MR. FREIDIN: That's 106.

11 MR. WILLIAMS: I am sorry, it would be
12 106 in the document to the panel.

13 Q. Under that heading: Multiple Use, it
14 states:

15 "The Ministry will manage public lands
16 and waters in an integrated multiple use
17 manner. Multiple use means that two or
18 more uses occur in the same general area,
19 either simultaneously or in sequence.
20 Over a broad area, several single uses
21 may also be permitted. This concept can
22 ensure that a variety of recreational
23 opportunities and renewable resources may
24 be provided from the same land base."
25 Do you have any difficulty with accepting

1 the multiple use concept as it is applied here in
2 practice?

3 A. No, I accept it.

4 Q. Mr. Monzon confirmed in his evidence
5 that the concept of multiple use, as expressed here in
6 this plan, is similar in fashion to a definition given
7 to multiple use in all of the other district plans, and
8 as such, stands as a cornerstone of the District Land
9 Use Plans.

10 Would you agree with that? Are you
11 familiar enough with all of the district plans to...

12 A. No, I am not familiar with all of the
13 district plans, but I accept -- if that was a
14 statement, I accept it.

15 Q. --accept that it was common to all of
16 the district plans.

17 If I could refer you now then to page 16
18 of that same Wawa District Land Use Guideline, which is
19 section (c) under the general resource policy section,
20 and there are basically ten different areas dealing
21 with management under that section, I am just going to
22 refer to two or three of them.

23 And I will refer you to the top of page
24 20 under the heading: Fisheries Management, sub-clause
25 (a) General reads:

1 "The fisheries resource is managed for
2 both recreational and commercial uses.
3 In addition to specific policies for
4 commercial and sport fishing...there is
5 also a need for a general policy related
6 to fisheries management."

7 In fact, Mr. Armson, has that general
8 policy not been developed with regard to the guideline
9 that I referred to earlier that you acknowledged was
10 part of the mechanism?

11 A. The guidelines, yes, for fisheries
12 management have been developed, but basically for the
13 fish habitat, I think I would be clear that that's the
14 context in which those guidelines were developed.

15 Q. Further down the page under
16 sub-clause (b) Sport Fishing, they talk about the
17 objective of that particular undertaking:

18 "To maintain opportunities for a
19 diversified angling experience and to
20 meet the future angling demand for all
21 species within the limits of sustained
22 yield management."

23 Is it your understanding that the term
24 sustained yield management has the same connotation or
25 interpretation as supply to timber management, or would

1 you know?

2 A. Because they are using the term I
3 would expect it is similar, but I can't vouch for that.
4 I don't know how a fisheries biologist defines that
5 term specifically.

6 Q. I wonder if I may just refer you to
7 page 29 under Wildlife Management, Section 9, again,
8 General:

9 "The wildlife resource is managed to
10 provide both recreational and commercial
11 benefits. In addition to specific
12 policies for wildlife recreation and fur
13 production there is also a need for a
14 general policy related to wildlife
15 management."

16 Would you agree that that policy in fact
17 has been developed and constitute itself as part of the
18 mechanism that you talked about in your concepts under
19 the management guidelines that I referred to earlier?

20 A. No, there is not a general policy for
21 wildlife management presently in the Ministry, not a
22 formal wildlife policy statement.

23 Q. Not to the species as a whole, but
24 simply would you agree it exists with regard to moose
25 management in particular?

1 A. There are guidelines for moose
2 management, yes.

3 THE CHAIRMAN: Mr. Armson, is it fair to
4 say that if the Ministry in the future develops any
5 more policies, they will be consistent with what is
6 expressed in a previous development policy, or else the
7 previously developed policy will be amended
8 accordingly?

9 THE WITNESS: I would assume that
10 anything that is inconsistent with a previous policy
11 would require an amendment or...

12 THE CHAIRMAN: Of either one?

13 THE WITNESS: That's correct, yes.

14 MR. MARTEL: Have you developed a policy
15 with respect to - it was in the last couple of years,
16 very significant on bear, hunting of bear, black bear,
17 changing policy and allowing licences to be issued and
18 so on?

19 THE WITNESS: I recollect more than a
20 year ago, I believe, we had discussion on policies
21 relating to bear management, yes.

22 MR. MARTEL: But can you just tell me, is
23 it the Ministry's intention to go through this one
24 species at a time, or is there going to be an overall
25 statement with respect to what, in fact, is in the

1 forest, or are we going to try and do it one chunk at a
2 time?

3 THE WITNESS: There is a great deal of
4 concern and there has been very recent discussion and
5 the development of a draft wildlife policy that is
6 embracing wildlife in the total, and that is a concern
7 with the Ministry -- with senior Ministry. That policy
8 is not in existence.

9 MR. FREIDIN: I am not sure if I can --
10 perhaps I didn't hear. I understood you to be asking,
11 Mr. Martel, if later panels were going to go through
12 this species by species?

13 MR. MARTEL: No, no, I was concerned --
14 we have got a policy on moose, and I recall something
15 about new policy surrounding how bear would be taken
16 and how licence would be issued, and I was trying to
17 find out if it is the Ministry's intention over the
18 next number of years, either to develop policy one
19 species of animal at a time, or in fact are we going to
20 have a comprehensive policy with respect to wildlife
21 management.

22 MR. FREIDIN: All right.

23 MR. WILLIAMS: Q. You would agree, would
24 you not, Mr. Armson, that the objectives of
25 incorporating wildlife management into the overall

1 District Land Use Guideline process is to provide
2 optimum social and economic benefits to the residents
3 of Ontario consistent with the maintenance of healthy
4 wildlife populations?

5 A. Yes, I agree.

6 Q. I just want to detail the strategy of
7 one as an example of the different wildlife management
8 considerations under the heading of Moose, which Mr.
9 Martel was referring to a few moments ago--

10 A. Yes.

11 Q. --with the objectives of the program
12 to provide, through an increase in the moose herd size,
13 opportunities for additional economic and recreational
14 benefits.

15 Have you ever been a part of developing
16 this process for these non-timber use values? I
17 presume you wouldn't be involved in these directly
18 yourself?

19 A. No, I have been involved in
20 discussions of the draft moose guidelines and other
21 guidelines; not, I would say, as a continuing and
22 always active participant, but I was involved in
23 commenting on them.

24 Q. You can subscribe to the principle
25 enunciated in that objective without difficulty?

1 A. Yes, I have no problem with that.

2 Q. If I might just direct you to the
3 strategy thereunder in sub (3):

4 "Ensuring that moose habitat is
5 maintained or improved through forest
6 management or other activities and
7 regulating the harvest in each wildlife
8 management unit to a biologically sound
9 level."

10 And thirdly:

11 "Directing or distributing the hunting
12 pressure to avoid localized under or over
13 harvests."

14 And fourthly:

15 "Providing opportunities for viewing and
16 photographing all of these strategies."

17 You have no difficulty with and seem to
18 be appropriate to the objectives set out above?

19 A. I think the first three in particular
20 are strategies. The fourth, providing opportunities
21 for viewing, I don't know if that's a strategy. That
22 seems to be an objective to be achieved by doing some
23 of the other things in various places.

24 But I would agree those first three are
25 definitely strategies.

1 Q. Again, without getting into details
2 on the others, there is reference to other types of
3 wildlife, both large and small: black bear that Mr.
4 Martel referred to, woodland caribou under the
5 different sub-classes of this wildlife management
6 section, small game water fowl, and lastly, coming to a
7 final strategy comment related thereto on page 42 that:

8 "There is a strategy designed to protect,
9 conserve, and manage all wildlife
10 species, both non-game and game and
11 public and private lands and to ensure
12 the perpetuation of diverse high quality
13 habitats."

14 Is that a strategy that can be applied
15 consistently with timber management undertakings?

16 Do you see that there would be
17 necessarily any conflict there that would make the two
18 incompatible in any fashion?

19 A. Well, Mr. Williams, quite honestly I
20 have problems with that statement as a strategy. It is
21 a statement of general intent, and I am not quite sure
22 how it would be achieved.

23 And I would suggest that a strategy would
24 at least give you some sense of how to achieve.
25 Protecting, conserving and managing are very general

1 statements and I have a problem, as I say, accepting
2 that as a statement of strategy.

3 Q. Are you suggesting it should perhaps
4 have been set out under objectives rather than
5 strategy, or is it just a question of nomenclature here
6 that's giving you difficulty or...

7 A. I don't know whether some -- it may
8 be in the nomenclature, but I think that I would look
9 under strategy for some definite statements about what
10 would be done as, for example, when you were citing the
11 question of moose; that is, the moose habitat was very
12 specifically identified and so on.

13 That's a very general statement. I don't
14 argue with it as a generality, but I don't see it being
15 classed as a strategy.

16 Q. All right.

17 THE CHAIRMAN: Regardless of what it is,
18 would it be inconsistent with timber management?

19 THE WITNESS: No. The problem is: Where
20 do you want to do all three things and at what time,
21 and how.

22 MR. WILLIAMS: Q. But they could be part
23 of the multiple use concept that we have been talking
24 about and as such workable together or...

25 A. That's right. I believe it -- yes.

1 Q. In Section (d) of the Wawa District
2 Land Use Guideline, that's page - I believe it is page
3 34 - in this particular section, as in all of the other
4 district plans, I think you would agree they list the
5 individual activities and developments on Crown land
6 along with the applicable guidelines and they are set
7 out in quite specific fashion with assistance of use of
8 maps and so forth to designate the geographic areas
9 involved.

10 Am I correct in that description of how
11 they deal with land use areas in the guidelines?

12 A. That's correct. I believe the map in
13 the back of the report is the one that you are
14 referring to.

15 Q. And then under each of the specific
16 areas they set out the land use activities that should
17 or should not be applied in that particular given area;
18 is that correct?

19 A. That's my understanding, yes.

20 Q. To your knowledge, Mr. Armson, would
21 these guidelines, if not directives, be tools or
22 mechanism used in part in the forest management
23 undertaking or, I should say: In developing the forest
24 management agreements, are these the specifics that --
25 do they have to be relied upon in preparing forest

1 management agreements, or do they simply look at the
2 broad general statements of principle in these
3 guidelines?

4 A. Well, I am not involved and have not
5 been involved recently in the development of specific
6 forest management agreement areas.

7 I would point out that the District Land
8 Use Guidelines, in fact, came into being after the
9 first of the forest management agreement areas, but
10 since that time they have been a -- for any forest
11 management agreement, my understanding is within an
12 area where there are guidelines, then those guidelines
13 are the context in which that forest management
14 agreement or the activities related to it are defined.

15 Q. But you developed the bible, so to
16 speak, for the undertaking in developing the Timber
17 Management Planning Manual; did you not?

18 A. Yes, but that was prior to the
19 District Land Use Guidelines being in place.

20 Q. I see. So for that reason then there
21 is no specific reference to the District Land Use
22 Guidelines in the manual, per se?

23 A. Or in the agreements, per se.

24 Q. Are any steps being taken to correct
25 that situation so that the reader or the general public

1 can understand that there is intended to be, from what
2 you are telling us, a direct linkage between them?

3 A. That should be part of the process
4 whereby, first of all, any new agreements are
5 established with the public involvement, and certainly
6 at the time of any of the timber management planning
7 relating to a forest management agreement area.

8 I don't know that one has to prescribe it
9 in a document. It is the context in which timber
10 management planning does take place.

11 MR. WILLIAMS: Mr. Chairman, I am sorry,
12 I can't recall whether the Timber Management Planning
13 Manual for Crown Lands in Ontario has already been
14 filed as an exhibit or not and, if so --

15 THE CHAIRMAN: I believe it has. Exhibit
16 7.

17 MR. WILLIAMS: Yes, right. That's the
18 note I had, but I just wanted to be sure.

19 Q. If I could just refer you to that
20 document for a moment, Mr. Armson. I pointed out to
21 you a few moments ago in talking about the three
22 provincial guidelines that you acknowledged would be
23 part of a mechanism for dealing with potential
24 conflicting land uses.

25 I had pointed out to you that the

1 application of those three provincial guidelines in the
2 timber management planning process was considered to be
3 mandatory.

4 With that in mind, I refer you to page 2
5 of your Timber Management Planning Manual and the last
6 paragraph on that page which reads as follows:

7 "Each timber management plan receives
8 input from and gives input to other
9 relevant plans that are being developed
10 or are approved; linkages to other
11 resource management plans of the MNR,
12 plans of other provincial agencies such
13 as those involved in highways or tourism,
14 and plans of municipalities must be
15 considered in the timber management
16 planning process."

17 Do you feel that there is the same depth
18 of commitment in the Timber Management Planning Manual
19 while recognizing that the District Land Use Plans
20 weren't in existence at that time, as you say, that the
21 same commitment -- depth of commitment was there when
22 you are simply directing that consideration be given to
23 these other management plans or, as in the Class EA, it
24 is deemed to be a mandatory -- a matter of a mandatory
25 undertaking that they, in effect, do link up these

1 other management plans with the development of the
2 timber management plans?

3 A. I think -- if I might, this manual
4 applies to all the forest management agreement areas no
5 matter when they were set in place, and the manual very
6 specifically, not only consideration, but if I might
7 direct you to the bottom paragraph of page 1 of that
8 manual, the one you have there, Mr. Williams, it says:

9 "District Land Use Guidelines set the
10 framework for all district resource
11 management planning."

12 So I think it is a very clear statement
13 there that these guidelines set the framework for that
14 planning, and this planning process applies to all
15 Crown lands within the area of the undertaking,
16 including FMAs.

17 MR. MARTEL: I continue to get confused,
18 I'm afraid.

19 I asked that we go through this several
20 weeks ago, as you will recall, because the little
21 manual that you gave us, these in reverse, and I think
22 we had an explanation that Mr. Douglas provided and I
23 think - and I am only going by memory, I don't have my
24 exhibit here - but the reason I raised it, it seems I
25 was saying then reading it from the manual, that in

1 fact it was the District Land Use Plans that led to the
2 guidelines and so I couldn't understand that.

3 And now we say it is the District Land
4 Use Guidelines set the framework for all district
5 resource management planning.

6 Now, I am just going by memory but,
7 again, that's a contradiction of what I think I read in
8 the little manual that you had made -- MNR had
9 provided, just published recently, in fact - there it
10 is - and I think it has it in reverse to what was in
11 there, which was a reversal of what we had seen in a
12 previous document.

13 And you will recall my saying I was
14 obtuse, because I can't follow it, and the more we go
15 into it, quite frankly, the more I can't follow it.

16 Now, is somebody going to put it in a
17 form that I can understand; what planning is about?

18 I mean, every time you read it it is a
19 different interpretation. What do we really mean? If
20 somebody could help me.

21 MR. FREIDIN: All right. I assume you
22 want me to help you. I don't know whether you should
23 be putting the specific questions to the witness.

24 I mean, Mr. Douglas made the attempt -
25 and we can do that again - but I am not sure, when you

1 refer to guidelines, what you are referring to.

2 I mean there is a communication problem
3 that is here that we had better get it solved sooner
4 instead of later. I am wondering if you can be any
5 more specific.

6 MR. MARTEL: In terms of the little
7 booklet, there is a little guide -- that is it.

8 MR. FREIDIN: I am indicating page 2 with
9 the pink splotch, that is Exhibit 7.

10 MR. MARTEL: And you go to page 3, you go
11 mid-down the page -- in fact there is a sentence that
12 says just the reverse.

13 I am just going by memory, and I think
14 that is what prompted me to come back the day after we
15 received that manual to put the question to the MNR at
16 the time to explain it to me, because it seemed to
17 contradict what we had read previously.

18 And as Mr. Williams says, the section
19 that is being quoted now seems to contradict, I think
20 what is in the booklet.

21 MR. FREIDIN: And when I say what is in
22 the booklet, what is in the booklet are in relation to
23 land use planning.

24 MR. MARTEL: What comes first?

25 MR. FREIDIN: The guidelines you mean or

1 the plan?

2 MR. MARTEL: Right.

3 MR. FREIDIN: The District Land Use --
4 excuse me, that exhibit number --

5 MR. MARTEL: But does it not state in
6 there that the district land use planning--

7 THE CHAIRMAN: Mr. Freidin, perhaps you
8 could provide Mr. Martel with that copy so he can look
9 at it directly.

10 MR. FREIDIN: (Handed)

11 MR. MARTEL: It says:

12 "Within the framework of the regional
13 plans district land use planning
14 determines where the objective can be
15 best achieved and broadly how they should
16 occur. The resulting District Land Use
17 Guidelines identify areas for particular
18 land uses."

19 Now, if I read this statement correctly
20 it says:

21 "District Land Use Guidelines set the
22 framework for district resource
23 management planning."

24 MR. FREIDIN: Districts --

25 MR. MARTEL: Page 1 of the Exhibit 7,

1 last paragraph, first sentence:

2 "District Land Use Guidelines set the
3 framework for district resource
4 management planning."

5 If I read that other sentence it says -
6 two sentences, I gather it says:

7 "Within the framework of regional plans
8 district land use planning determines
9 where the objectives can best be achieved
10 and broadly how they should occur. The
11 resulting District Land Use
12 Guidelines..."

13 Now, which occurs?

14 MR. FREIDIN: I think --

15 THE CHAIRMAN: Mr. Freidin, if you have
16 no objections, counsel have no objections, I propose
17 that Mr. Freidin attempt to clarify this. If there are
18 any objections, we will have to go to the witnesses
19 themselves.

20 We are not asking you to give evidence,
21 Mr. Freidin, but you may be able to clarify this, since
22 it has already been put on the record through other
23 witnesses previously.

24 Do counsel object to Mr. Freidin making
25 an attempt to clarify this for Mr. Martel?

1 (No response)

2 Okay, Mr. Freidin.

3 MR. FREIDIN: I believe the confusion
4 that has occurred, Mr. Martel, is because of the use on
5 page 1 of the Timber Management Planning Manual that
6 the witness was referred to.

7 It refers to district resource management
8 planning. I think the word district is causing you the
9 confusion.

10 In evidence, you recall I asked Mr.
11 Monzon during re-examination, I said: You keep
12 referring to plans prepared at the district level. And
13 he said: Well, those are the resource management plans
14 like timber management plans.

15 The district resource management planning
16 referred to on page 1 of Exhibit 7 refers to resource
17 management planning, it refers to resource management
18 planning in relation to any number of resources;
19 whether it is timber, whether it is fisheries.

20 You can take the word district out of
21 there.

22 MR. MARTEL: Okay.

23 MR. FREIDIN: But the word district was
24 put in there for the reason that Mr. Monzon indicated
25 in his evidence. He said: All of these plans, these

1 resource management plans occur within the district.
2 There may be one or more resource management plans
3 within the district prepared by district people, and
4 that is why he said district resource management plans
5 or plans prepared at the district level.

6 So I don't know if that -- if you take
7 the word district out of there, I don't think you are
8 doing anything improper and I don't know whether that
9 would then make it consistent.

10 MR. MARTEL: I will take it out. As I
11 say, I am just trying to get the flow of how the
12 planning occurs and I keep getting these things that
13 maybe just throw me and maybe everybody else is clear
14 on it and maybe I am obtuse, so I don't know.

15 MR. FREIDIN: If I can just go back one
16 level - and I don't think this is inconsistent with the
17 evidence - there were documents called Guidelines for
18 Land Use Planning. Exhibit No. 10 was an example, that
19 was the one for 1980, Guidelines for Land Use Planning.

20 Those guidelines were used as guidelines
21 by those people who were preparing Strategic Land Use
22 Plans and - let me, for the purpose of this
23 explanation, say - District Land Use Plans.

24 So those documents that are Guidelines
25 for Land Use Planning are what were used when Strategic

1 Land Use Plans were prepared as guidance to preparing
2 those and as guidance for the preparation of District
3 Land Use Plans.

4 Now, you remember there was this change
5 from District Land Use Plans to District Land Use
6 Guidelines for the reasons indicated by the witnesses.
7 So when they are talking about something like the Wawa
8 District Land Use Guideline or the one for Hearst or
9 the one for Timmins, those are different than the
10 documents like Exhibit 10 which is referred to as
11 Guidelines for Land Use Planning.

12 So if in your own mind to keep the
13 distinction separate, every time we refer to District
14 Land Use Guideline like the one for Wawa, Timmins or
15 Hearst or whatever, if you distinguish that from these
16 other documents by maybe just attaching the word plan
17 to it, or -- that is the difference between the two.

18 The confusion has come about by now
19 having a Guideline for Land Use Planning leading to the
20 production of a District Land Use Guideline and I can
21 certainly see that is where that confusion arose, but I
22 think -- I hope I have clarified the difference between
23 the two.

24 MR. MARTEL: I hope so.

25 THE CHAIRMAN: Sorry, Mr. Williams,

1 continue please.

2 MR. WILLIAMS: Q. Mr. Armson, I had
3 referred you to the land use activities that are
4 referenced in detail in the Wawa District Land Use
5 Guideline as an example, but which are applied
6 throughout the District Land Use Guideline process, and
7 I asked you this earlier and I just want to be quite
8 clear on this.

9 Are they embodied, in any fashion, either
10 within the forest management agreements as finally
11 agreed to and signed formally between the industry and
12 the Ministry, or are they simply looked upon as a
13 benchmark to be considered during the in-house
14 discussion between management and Ministry in
15 developing the forest management agreement?

16 How formal is the process or the
17 linkage -- I should say, how formal is the linkage? Do
18 you personally have knowledge of that situation?

19 A. Well, I don't have personal knowledge
20 of individual ones, but it is my belief that it is the
21 latter process rather than the former.

22 Any of the forest management agreement
23 documents, in particular agreements that I have read
24 and some of the most recent ones, do not have a
25 specific statement, to my recollection, relating to the

1 District Land Use Guidelines, certainly not the ones I
2 have looked at.

3 Q. So you are telling the Board that the
4 linkage is established in the minds of the participants
5 to negotiating that agreement but, to the best of your
6 knowledge, are not recorded for posterity, so to speak,
7 in the agreement for appreciation by or in recognition
8 of the general public in looking at one of those forest
9 management agreements?

10 A. I would expect they would be recorded
11 in the plan -- the timber management plan for the
12 forest management agreement. I wouldn't expect them to
13 be in the agreement per se, but in the plan that is
14 produced -- that is consistent with the manual and the
15 requirements, I would expect there there would be
16 statements referring specifically to elements or
17 conditions and so on that tie back to the District Land
18 Use Guidelines in a given area.

19 Q. Do you think it would be helpful, or
20 otherwise, if the specific land use activities set out
21 in a District Land Use Guideline were recognized within
22 a forest management agreement to which the area is
23 common between the District Land Use Guideline and the
24 forest management area?

25 A. I don't believe it is necessary, in

1 my opinion, Mr. Williams, because the timber management
2 plan has to, as indicated by the manual, be developed
3 with cognizance and with due regard for that.

4 So it is the plan that would show the
5 evidence and that is the one that would be judged.

6 Q. You are saying it would not be
7 helpful to have that cross-referencing--

8 A. In the agreement.

9 Q. --occur in the agreement?

10 A. That's correct. Knowing the nature
11 of the agreements, I think it would be irrelevant to
12 the agreement as such.

13 Q. You knowing the nature of the
14 agreements, but what about the general public, what
15 about the individual on the street, would he appreciate
16 that situation as you understand it?

17 A. Quite possibly not if they are
18 unfamiliar with the agreements.

19 Q. How are they going to come to grips
20 with that situation without having to ask an awful lot
21 of questions as to whether these things were considered
22 and related to the extent to which the forest in that
23 particular area could be forested in applying these
24 other land use activities?

25 A. Well, if I might. In terms of an

1 agreement -- all the agreements are available for any
2 member of the public that wishes one, so -- and there
3 have been people who have phoned my office and wanted
4 them and we have passed them out. So they can become
5 knowledgeable about it and what the content is very
6 readily.

7 THE CHAIRMAN: But are you saying, Mr.
8 Armson, that by looking at the agreement somebody will
9 be able to ascertain whether these other questions have
10 in fact been considered?

11 THE WITNESS: In the agreement, the only
12 component of the agreement that would reference I think
13 the concerns that Mr. Williams has would be in a
14 schedule to the agreement which is termed the ground
15 rules which is redone every five years in conjunction
16 with the development of the new management plan and
17 may -- and, in fact, in certain agreements, very
18 specifically does relate back to practices or
19 conditions, constraints in some cases, that tie link to
20 other values and other resources in there.

21 There there is often a mention, but it is
22 a general mention rather than a very specific one
23 usually.

24 MR. WILLIAMS: Q. But why? Why is that
25 that it should be general rather than specific? To the

1 extent that it is a guideline and not a directive and
2 at least sets out what the other activities should or
3 should not be in an area, why shouldn't that list of
4 no-nos and yes-yeses be set out so it is readily
5 available to and understandable by the average citizen
6 looking at that agreement?

7 A. Well, it does often set it out in
8 what you call no-nos and yes-yeses, in other words,
9 that say: You can do this or you cannot do that
10 practice, but it is the plan that identifies not only
11 what is to be done but where it is to be done and over
12 the five-year period there is a scheduling for when.

13 So there is three tiers in this, if you
14 will, Mr. Chairman. There is the agreement basically,
15 the ground rules which are scheduled to the agreement
16 which are revised on this periodic five-year basis and
17 which, in fact, are linked very much to, first of all,
18 the conditions for extending the agreement, and to the
19 management -- timber management plan associated with
20 it.

21 Q. I know that there is a difficulty
22 here because I know we are going to be going into the
23 timber management agreements, the forest management
24 agreements in great depth in another panel - I
25 certainly don't intend to take us down that road today,

1 but I will be discussing some of the highlights of the
2 agreements as they are referred to in the forest
3 management agreement reviews in a few minutes.

4 But before doing that, again I want to be
5 clear on this point. The ground rules; are they the
6 same as, or basically the same as, or different from
7 the type of guidance that would be provided by use of
8 these land use activity schedules that are in the
9 District Land Use Guidelines?

10 I am not clear on that point.

11 A. The ground rules are really just set
12 in place in a contractual document: What is to be done
13 or not done with specific conditions in relation to --
14 for example, it includes the silvicultural
15 prescriptions for specifically defined types of forest
16 on particular site conditions or soil conditions, and
17 what kinds of activities can occur and so on in that
18 manner. That is the purpose of them.

19 Now, to the degree that there will be
20 conditions or values other than the production of
21 timber that are relevant, they will -- the ground rules
22 will identify that and specify -- make certain
23 specifications about it.

24 Q. Are you suggesting then that they
25 will be specific enough within the ground rules to

1 avoid keeping the public in the dark as to what the
2 linkages should be between the timber management
3 undertaking and these other related non-timber uses in
4 such a way that they can be accommodated and understood
5 as being accommodated?

6 A. Well, I would suggest that the ground
7 rules in themselves provide part of the answer, but
8 they have to be related to the timber management plan;
9 the two elements.

10 It is the document that defines very
11 clearly the area; what is to be done, and how it is to
12 be done. It reflects the ground rules -- has to
13 reflect the ground rules.

14 Q. I guess the difficulty I have is:
15 Without pulling forward a forest management agreement
16 as an exhibit today and looking at those grounds rules,
17 it is hard to pursue it further.

18 That is why I am asking you to describe
19 what the ground rules are like and how they are
20 different from the information that is available and
21 useful in a District Land Use Guideline.

22 A. Oh, they are much different in that
23 they are very specific about what the action -- or what
24 shall or shall not be done, and how it shall be done
25 and under what conditions. They are often quite

1 technical, but usually quite detailed.

2 Q. I will just ask you one more question
3 in this area. I put the same question to Mr. Douglas
4 and Mr. Monzon during Panel 1 and they were reluctant
5 to give me an answer.

6 As you may recall, if you were here at
7 the time, I asked them whether there would be any
8 benefit to the process and, more particularly, to
9 keeping the public more informed on the linkages that
10 have to exist in the process if it is to remain viable,
11 whether it would not be useful and helpful to formalize
12 or codify some of this land use direction within the
13 forest management agreements over and above using the
14 ground rule process that you say is somewhat different?

15 A. Well, I guess, like the previous
16 panel I find a little difficulty.

17 I think that the purpose of the
18 opportunities for the public to find out what is to be
19 done or what is being discussed in terms of the
20 preparation of the plan is really the appropriate time
21 and occasions for that to be done. If it is codified
22 in print, I suppose, in a document --

23 THE CHAIRMAN: Isn't this, Mr. Williams,
24 essentially part of the mandate of this Board's
25 decision with respect to the overall planning process

1 that we are looking at?

2 One of the things that this Board would
3 be considering is whether or not the existing planning
4 process is sufficiently particularized or sufficiently
5 clear in the Board's view, vis-a-vis what that planning
6 process should provide by way of notice or information
7 to the public at large, and part of the Board's
8 recommendations in its decision, should it approve the
9 application, would be dealing with these questions.

10 MR. WILLIAMS: Very much so, Mr.
11 Chairman. That is why I am endeavoring to do my best
12 to keep it uppermost in your mind as you are
13 considering these matters on the way through.

14 Q. As I mentioned a few moments ago, Mr.
15 Armson, we will be dealing in depth with timber
16 management planning and I am not going to go into the
17 actual forest management agreements in detail today,
18 but I do want to ask you some questions that I feel
19 you, as an expert witness, are qualified to comment on.

20 And, if I might, I want to refer you to a
21 document that has just recently been published by the
22 Ministry.

23 MR. WILLIAMS: And, Mr. Chairman, I am
24 sorry, there are copies in the other room and it is one
25 set of documents I forgot to bring in, I would like to

1 file it as an exhibit.

2 Can we perhaps pause for a moment or two
3 until I obtain copies to distribute to the Board and
4 members. It is a document entitled: Forest Management
5 Agreements published by the Ministry of Natural
6 Resources, 1988.

7 THE CHAIRMAN: We will mark it as Exhibit
8 67. Is it just a matter of running down the hall and
9 getting some of these?

10 MR. WILLIAMS: Yes.

11 THE CHAIRMAN: Very well. We will sit
12 here until you return.

13 ---Short recess.

14 MR. WILLIAMS: (handed)

15 THE CHAIRMAN: Thank you. Very well, we
16 have admitted this as Exhibit No. 67, titled: Forest
17 Management Agreements published 1988 by the Ministry of
18 Natural Resources.

19 ---EXHIBIT NO. 67: Booklet titled: Forest Management
20 Agreements published 1988 by the
Ministry of Natural Resources.

21 MR. WILLIAMS: I am sorry, Exhibit
22 number...?

23 THE CHAIRMAN: 67.

24 MR. WILLIAMS: 67, thank you.

25 Q. Mr. Armson, I have to share with you

1 the fact that I have some concerns. What is being
2 stated in this document is laudatory, there is high
3 objectives that are set out.

4 If I might just address you to page 4 as
5 an example in dealing with other non-timber resources,
6 and the recognition by the Ministry of the need to
7 accommodate them, I would suggest, is the main thrust
8 of this document. But, for instance, under a
9 photograph of the moose there is a sentence that reads:

10 "No less important are the benefits of
11 the forest as habitat for wildlife and
12 recreational areas."

13 I think that is certainly an important --
14 it is reassuring to know, in principle, that this is
15 what the Ministry has concerns about.

16 Again on page 9, in the second paragraph
17 under the provincial map:

18 "The aim of these plans is to ensure a
19 continuous flow of forest products while
20 accommodating the requirements of other
21 forest users."

22 And then finally another clause, I think,
23 captures the main thrust and intent. So on the next
24 page 10 where it says:

25 "The managed forest will contain

1 components that maintain or enhance
2 wildlife habitat, protect fisheries and
3 allow for enjoyable recreational
4 experiences."

5 Is it your understanding that these
6 indeed are the objectives and goals of the Ministry and
7 the government in developing the forest management
8 agreements?

9 A. I think these would be --

10 Q. Equally considered.

11 A. --considered. They were a
12 considerations, yes, even in the earliest negotiations.

13 Q. Have you had any personal part to
14 play in the three five-year reviews that have been done
15 for the existing forest management agreements to date?

16 A. No. I was involved when I was
17 Executive Co-ordinator with proposals to senior
18 Ministry staff as to the way in which the first review
19 would be carried out.

20 And I was, in that position, also the
21 recipient, if you will, of the completed document, but
22 not in my position as Provincial Forester am I
23 concerned -- am I involved in them.

24 Q. As one who in effect, I suppose,
25 authored the development of the process and the forest

1 management approach and brought it into being through
2 legislation, you would have a great deal of awareness
3 of the basic set-up and structure of the forest
4 management agreements; would you not?

5 A. Yes.

6 Q. And certainly the intent of the
7 Ministry is to ensure that other resource uses are
8 taken into account in developing those plans. There is
9 no question of that?

10 A. No, no, that's correct.

11 Q. All right.

12 MR. WILLIAMS: Could I file with you a
13 copy of the three forest management agreements for the
14 five-year reviews. I believe, Mr. Chairman, only one
15 of them -- maybe two of them have already been entered
16 as exhibits, I am not sure.

17 I have a record that the first five-year
18 review 1980-85 -- is that Exhibit 29 or 27 -- 27 or 29?
19 I know the second five-year review has been filed as
20 Exhibit 31.

21 It is 20?

22 MR. CASTRILLI: 29.

23 MR. WILLIAMS: So the first five-year
24 review you have as --

25 MR. CASTRILLI: Sorry 31.

1 THE CHAIRMAN: 29 is Statistics Canada,
2 1987.

3 MR. CASTRILLI: 31.

4 THE CHAIRMAN: 31.

5 MR. WILLIAMS: All right. Exhibit 31 is
6 the second five-year review, then. It may be that the
7 first five-year review has not been filed as an
8 exhibit.

9 THE CHAIRMAN: I don't believe it has.

10 MR. WILLIAMS: All right. Well, perhaps
11 if I could, I am going to circulate - interestingly
12 enough I don't have extra copies of the second
13 five-year review which is already filed as an exhibit,
14 so that it is helpful that it is in as an exhibit.

15 The other two; the first five-year review
16 and the third five-year review, I will now file those
17 as exhibits, if I might, Mr. Chairman.

18 THE CHAIRMAN: Very well. The first
19 five-year review will be filed as Exhibit 68.

20 ---EXHIBIT NO. 68: First five-year review for the
21 period 1980-85.

22 THE CHAIRMAN: What is the five-year span
23 covered by that first review?

24 MR. WILLIAMS: The first one I believe is
25 1980-85 and the second is -- yes, 1980-85. The second

1 is 1981-86, and the third is 1982-1987.

2 THE CHAIRMAN: All right. The third
3 five-year review will be filed as Exhibit 69.

4 ---EXHIBIT NO. 69: Third five-year review for the
5 period 1982-87.

6 THE CHAIRMAN: Thank you.

7 MR. WILLIAMS: Now, has everybody got
8 their copies?

9 THE CHAIRMAN: (Nodding)

10 MR. WILLIAMS: Q. Mr. Armson, as I
11 mentioned a few moments ago, I don't think there is
12 disagreement with regard to the high ideals that are
13 set out in the forest management agreement booklet that
14 I recited chapter and verse from a few moments ago, but
15 I want to see whether those high ideals are being met
16 in practice based on what we are seeing happening as is
17 emerging out of the five-year review process.

18 And if I might -- just give me a moment,
19 if you will, Mr. Chairman, please.

20 I have my own three copies marked up and
21 I hope I just didn't distribute them to someone else.
22 I am just checking here.

23 THE CHAIRMAN: What if we had your
24 marked-up copy.

25 MR. WILLIAMS: That's fine, you would

1 understand it better than I would.

2 I have got the first and the third and
3 the second, I think I have got it here. Yes, okay, I
4 have got everything under control.

5 Q. Now, if we could, Mr. Armson, come to
6 then the first five-year review, 1980-85, and I presume
7 you would agree - if I might just ask you this in a
8 general way at the outset - that the forest management
9 agreement process appears to be a more sophisticated
10 approach to dealing with our forests that has not only
11 become more popular but appears to be the way of the
12 future as far as dealing with all of our forests in
13 replacing the old licensing agreement arrangements that
14 existed in the past.

15 Would you agree with that observation?

16 A. No, it doesn't replace the licensing
17 agreement situation; what it does do is place a very
18 clear and defined set of responsibilities on a forest
19 industry entering into a forest management agreement
20 and I think, as I noted earlier, it is not that all
21 licences will become forest management agreements, some
22 would not.

23 Q. Yes, all right. But would you agree
24 that more, rather than fewer of the existing agreements
25 and new ones will be handled on the forest management

1 agreement -- in the forest management agreement manner?

2 A. The majority of the licenced
3 productive forest land will be in forest management
4 agreements, yes, and indeed are even now.

5 Q. I think - in fact, this trend not
6 shown clearly in these three agreements. If I might
7 refer you to page 3 of the first five-year review, in
8 the middle -- towards the end of the third paragraph it
9 states:

10 "As of November, 1985, 26 forest
11 management agreements have been executed
12 covering a total of 145,357 square
13 kilometres. This is a 58 per cent..."

14 They say it is 58 per cent of the 248,577
15 square kilometre licensed area in the province;
16 correct?

17 A. Yes.

18 Q. And just while we are on that point,
19 by comparison, looking at the second five-year review
20 on page 4, I believe a year later, as of November,
21 1986, there were 28 FMAs in the province covering a
22 total of 162,689 square kilometres and this is a 63 per
23 cent -- they say 63 per cent of the 257,244 square
24 kilometres of licensed forests in the province.

25 So this is a clear trend, is it not,

1 towards--

2 A. Yes.

3 Q. --favouring the use of the forest
4 management agreement?

5 And then in looking at the third
6 five-year review, again on page 4, as of January 1988,
7 this year, there were FMAs in the province covering a
8 total of 177,821 square kilometres and this is 69 per
9 cent of the 257,244 square kilometres of licensed
10 forests in the province.

11 So are we agreed there is a clear trend
12 there towards relying more and more on the forest
13 management agreement approach--

14 A. Yes.

15 Q. --to harvesting our forests?

16 Let's come back, if we might, to then the
17 first forest management agreement and perhaps I can,
18 through questioning, raise with you some of the
19 concerns I have with regard to what has happened up to
20 this point in time in trying to ensure that the
21 multiple land use process is working and working well.

22 THE CHAIRMAN: Mr. Williams, are you
23 going to be asking questions of this witness on the
24 forest management agreements that will be essentially
25 the same questions that you might be asking the panel

1 dealing with this topic later on?

2 MR. WILLIAMS: No, because I am not going
3 to the forest management agreements, per se, I am just
4 dealing with these reviews and I'm just highlighting
5 some points in these reviews that would indicate a
6 manner in which they are being approached.

7 I realize that difficulty of --

8 THE CHAIRMAN: You understand the Board's
9 concern that when we are going to be dealing -- we have
10 been advised that we are going to be dealing with a
11 particular topic through the evidence of a particular
12 panel, that we would discourage a repetition of the
13 same topic through questions to another panel,
14 particularly when the other panel is approaching the
15 topic from a generalist approach as opposed to a
16 specific panel that's going to deal with the subject in
17 detail.

18 MR. WILLIAMS: No. As I mentioned
19 several times earlier, I realize the difficulty and I
20 certainly don't want to transgress and deal in detail
21 with things that are better reserved for another day
22 and another panel.

23 So I assure you, I am going to be staying
24 general, but simply trying to indicate what I see as
25 some trends or difficulties that may necessitate some

1 corrective action, at least -- maybe Mr. Armson will be
2 able to help me in that regard.

3 But I will not go into great detail.

4 Q. Mr. Armson, on page 4 of the first
5 five-year review, and you referred to this the other
6 day I believe in your evidence-in-chief as to who the
7 parties were that conducted the reviews for the
8 Ministry.

9 And on page 4, in this particular first
10 review, which was the first ever on forest management
11 agreements, it is stated that:

12 "These reviews were conducted by
13 committees of Ministry staff appointed
14 from outside the region being reviewed.
15 Each committee was headed by a senior
16 Ministry administrator, assisted by a
17 regional forester and a senior field
18 staff person from the outdoor recreation
19 program."

20 Given that these were the personnel used
21 to do that assessment, Mr. Armson, do you feel that
22 there was enough of an arm's-length arrangement there
23 between those people who were selected to do the
24 assessment in the review and the very Ministry that's
25 involved as one of the parties to the forest management

1 agreements?

2 A. I would agree and I would suggest
3 that that is one reason for changing the make-up of the
4 review team for the third five-year review.

5 If I might add to this. It became
6 evident that in the first few years many senior
7 Ministry staff had little, either understanding, or
8 certainly first-hand experience, of what was involved
9 by a company entering into an FMA and, in this sense,
10 it made some sense - although it wasn't arm's length
11 and you are quite correct - to have senior staff from
12 outside the region in fact be involved in these
13 reviews.

14 I would note that in the first five-year
15 reviews there were five FMAs being reviewed and that
16 took five separate teams, and seeing as we only have
17 eight regional directors, five of them were involved in
18 this and five regional foresters, and within the space
19 of the first two years, essentially the senior staff of
20 the Ministry got a very good look at FMAs.

21 It was my position - and I argued this
22 prior to the setting up of the review team - that local
23 public involvement or representation and outside
24 professional representation should be something to
25 which we would move over time, and I believe this will

1 come about.

2 Q. I think, Mr. Armson, through your
3 testimony today that we are in agreement -- or I
4 understand we are in agreement as to the importance of
5 the integrated multiple use approach and to the system
6 to satisfy the varying needs, but in looking at the
7 first review in the various areas that were under
8 consideration by this panel, the closest they come to
9 looking at non-timber value -- or non-timber resources
10 is under the philosophical heading of Integrated
11 Resource Management on page 14, and there they seem to
12 address it in a very general or obtuse way.

13 If I might read this to see whether or
14 not you agree with that observation:

15 "Special operating conditions are usually
16 requested by the Ministry through the
17 planning documents to deal with other
18 forest uses, environmental concerns and
19 wildlife requirements. These conditions,
20 such as altered cut patterns, controlled
21 water crossings, and restricted accesses
22 have been implemented satisfactorily by
23 the companies."

24 I think if you review this document there
25 is precious little additional information provided with

1 regard to application of this philosophy.

2 And, if you accept that as so, do you
3 feel that there has really been serious consideration
4 been given to application of what appears simply to be
5 nothing more than a philosophy at this point in time
6 back in 198 -- 1979-1980 when this plan was being
7 developed -- or review was being developed?

8 A. I would agree with you that the
9 amount -- or what is dealt with under integrated
10 resources management is pretty minimal, but I would
11 also note that this is the first time the forest
12 industry became involved in a contractual way and it
13 was essentially from a standing start.

14 And if you look at successive five-year
15 reviews, it is rather interesting that in fact in the
16 third year review -- or third of the five-year reviews,
17 we talk about non-integrated -- in one of them,
18 non-integrated resource management, but management for
19 other forest users, and that is getting now quite
20 specific and they deal with it in much better --

21 I think we are going through what is
22 often referred to as a bit of a learning curve here,
23 but I would agree with you, the first five years were
24 perhaps -- the reviews didn't indicate very much was
25 accomplished.

1 Q. I think you have been anticipating a
2 couple of questions further down the road I had.

3 And again, in that first five-year review
4 then, you would agree that none of the recommendations
5 set out with regard to any of the specific companies
6 who reviewed their forest management agreements, that
7 there were no specific references to other non-timber
8 resources or values as they related to the undertaking?

9 A. I don't recollect them. There was --
10 one of the areas, I believe it was the upper Spanish,
11 that had a much more detailed statement about the --
12 under integrated resources management, but I don't
13 believe in the recommendations of any of the five,
14 there was a specific item.

15 I could be wrong, but I don't believe so.

16 Q. Perhaps I will --

17 MR. MARTEL: Could I ask a question of
18 Mr. Armson?

19 MR. WILLIAMS: Yes.

20 MR. MARTEL: How could a statement be
21 made then, on one hand says that special operating
22 conditions are usually requested by Ministry, these
23 conditions such as altered cutting have been
24 implemented satisfactorily, and the fact that you just
25 indicated to us there is not very much that has been

1 done.

2 The statement itself is scary by the very
3 fact it was written, saying that: Yes, things had been
4 accomplished. Am I misinterpreting what you are
5 saying?

6 I mean, I find the statement somewhat
7 contradictory to what you indicated in that they say
8 everything is well. But you say: Well, they didn't go
9 far enough, I think. I don't want to misinterpret.

10 THE WITNESS: Could I clarify?

11 MR. MARTEL: Yes, please, do.

12 THE WITNESS: I was agreeing with Mr.
13 Williams that the statements in the review document
14 talking about integrated resources management were
15 relatively small.

16 In one or two of the instances they
17 tended to be rather general, they didn't specify in any
18 great detail. In one of them they do actually talk
19 about it in some detail, but...

20 And I said that the companies in terms of
21 their activities and adjusting and doing things in
22 relation to other uses, this was really the first five
23 years under the terms of the agreement, we were coming
24 to grips with it.

25 So they were in the bottom end of the

1 learning curve and dealing with other users directly
2 has been one of the factors that has become
3 increasingly a development within the FMAs.

4 Does that explain it?

5 MR. MARTEL: I guess what you are saying
6 to us is that the statement, based on what was looked
7 for at the time in this beginning - the growing pains -
8 what was being asked of industry was somewhat limited,
9 therefore, they were achieving what they were asked to
10 do for meeting the goals that had been established,
11 let's say.

12 THE WITNESS: I think it would be fair to
13 say, Mr. Martel, that in complying with the terms of
14 the Crown Timber Act in terms of the review, the focus
15 of the review team - there is no doubt - was on: Did
16 the company carry out those activities that they were
17 obligated to do in terms of regeneration, site
18 preparation and so on.

19 That was obviously the key focus, no
20 question about that.

21 MR. WILLIAMS: Q. I think you were quite
22 right, Mr. Armson, that one of the five companies whose
23 agreements were reviewed did make one specific
24 reference, and I am looking at page 53, to other uses.

25 And under Integrated Resource Management,

1 they refer to road realignments to protect fish
2 spawning areas, and they said: Environmental
3 considerations and bridge construction on the Suzanne
4 River.

5 But beyond that, and even there they
6 didn't elaborate, but I think that's probably the
7 exception

8 In fact I am certain, having reviewed all
9 of the recommendations of the other five companies,
10 they didn't really come to grips with those other
11 forest uses.

12 A. That is correct.

13 Q. You would agree on that, all right.

14 A. It was based on the timber activity.

15 Q. Would you say that that would
16 generally apply to the second five-year review as well?

17 A. There were three agreements, I
18 believe in the second five-year review. In one of
19 them, I do recollect, there was some concern expressed
20 about a lack of commitment by the company to these
21 other uses.

22 And then in the discussion, I believe
23 they went on and indicated that there had been a number
24 of actions taken by the company in relation to
25 improving their situation or improving the

1 relationship. And in fact, I direct --

2 Q. Page 27, are you looking at?

3 THE CHAIRMAN: You are referring to
4 Exhibit 31.

5 MR. WILLIAMS: Sorry, we are now at
6 Exhibit 31.

7 THE WITNESS: The second five-year
8 review, and on page 29, if I might, there is a note and
9 it says:

10 "There is a growing company appreciation
11 of a value of habitat management; e.g.,
12 wildlife, travel corridors to wildlife."
13 That is in the section under Integrated
14 Resource Management which takes over two pages in the
15 second five-year review in that particular FMA.

16 MR. WILLIAMS: Q. While setting out --

17 THE CHAIRMAN: Mr. Freidin?

18 Excuse me, Mr. Williams.

19 MR. WILLIAMS: Yes.

20 THE CHAIRMAN: Mr. Freidin?

21 MR. FREIDIN: I don't want to interrupt
22 my friend's cross-examination. I am finding it
23 frustrating and I am sure the Board is finding it
24 frustrating that we are continually getting into
25 questions on cross-examination of witnesses, sometimes

1 in relation to technical matters, which haven't been
2 referred to on examination-in-chief.

3 I know that the cross-examination usually
4 is wide in scope, but I am getting concerned, the
5 longer this goes on, the more frequently that that goes
6 on, the more confused everybody is going to get, and
7 particularly the more confused the Board is going to
8 get.

9 I don't know how we are going to solve
10 this problem, but the purpose of providing the outline
11 at the beginning of the hearing, indicating in general
12 terms and then expanding on it somewhat in my opening
13 remarks what we were going to talk about in each panel,
14 is designed to try to convince people or have people
15 hold off, except where absolutely necessary not to hold
16 off, to wait until we got to the panel that was dealing
17 with that topic.

18 And if we get to the end of the case and
19 somebody says: Gee, we didn't get a chance to talk
20 about this, probably because I was relying on you
21 raising this matter with that panel, well then maybe we
22 will come back and deal with those.

23 But monitoring the timber resource and
24 monitoring the effectiveness and protection of other
25 uses is the specific subject matter of, I think, Panel

1 No. 16 as set out in that outline, the one-page outline
2 that I gave.

3 I don't know what the answer is and I
4 don't want to be jumping up and down continuously
5 saying: This is going to be dealt with by another
6 panel.

7 But somewhere we have to draw the line.

8 THE CHAIRMAN: Well, Mr. Freidin, that is
9 precisely why the Board queried at the outset of Mr.
10 Williams embarking on this area, as to whether or not
11 these questions would be kept very general in nature
12 and would not be repeated to a later panel concerning
13 the same topic.

14 Now, with respect to your objection that
15 this evidence was not dealt with in direct by Mr.
16 Armson and, therefore, should not be the subject matter
17 of cross-examination, I think you have properly
18 identified the practice of the Board which is to allow
19 a fairly wide cross-examination in terms of these types
20 of hearings, particularly when comparing it to
21 evidentiary procedures in court.

22 But, secondly, I think Mr. Armson did
23 have, and indicated that he had, an involvement
24 earlier, conceptually at least, of developing the FMA
25 program, and so certainly questions of a general nature

1 would be appropriate and were, I think, raised in
2 direct.

3 But I fully agree with you and your
4 concern, and we might as well deal with this to some
5 extent now with all the parties who are present, that
6 it is very difficult to organize a case of this
7 complexity in some fashion that is acceptable and
8 agreeable to everyone and particularly different
9 counsel whose clients represent different interests.

10 But, in some fashion, the proponent has
11 elected to present its case through a series of witness
12 panels dealing with specific generic topics, if I might
13 put it that way. Some of them are related, obviously,
14 to other witness panels and their evidence.

15 And, in order to have this case flow in
16 an orderly fashion and to avoid repetition, I would ask
17 that all counsel give serious consideration to
18 withholding their questions of various witness panels
19 down to the particular panel that is going to deal with
20 that generic topic in detail, because there is no sense
21 in getting some generalized answers from witness panels
22 when a specific panel is going to deal in detail with
23 that subject matter.

24 You know, it is not that helpful to the
25 Board to get a generalized answer, only to have the

1 specific panel that is going to deal with it, either
2 contradict it or put it in in a form that's quite
3 different.

4 Certainly, in cross-examination you are
5 entitled to explore the knowledge and the involvement
6 of, say, Mr. Armson, in the FMA process since it was
7 developed originally in direct, but we have to
8 maintain some kind of ground rules that does not allow
9 topics to be continually dealt with by every panel and
10 working from the generalized down to the specific,
11 because I would suggest that many of your questions
12 could probably be answered by the specific panel
13 dealing with that topic.

14 So I just want to put that out to counsel
15 to keep it in mind because we are going to run into
16 problems, I am sure, when we get to some of the more
17 specific detailed technical panels as well.

18 MR. FREIDIN: I just want to make it
19 clear. My intent was not so much to object, but to
20 indicate a concern and it is a concern that the people
21 are going to get confused.

22 I mean, we started talking about -- just
23 so you understand where I am coming from, this panel
24 now, through cross-examination for the first time,
25 started talking about prescriptions, ground rules, a

1 whole host of technical terms which I don't expect the
2 Board understands.

3 Now then, I have got the problem in
4 re-examination of how am I going to clarify that
5 without calling new evidence. I want to clarify it
6 quickly but now that the Board has heard all of this
7 evidence it won't really understand it.

8 THE CHAIRMAN: Well, you must realize as
9 well, Mr. Freidin, that you are putting forward a
10 witness who occupies a fairly senior position within
11 MNR.

12 MR. FREIDIN: My remarks weren't meant to
13 this specific case, this is an example just generally.

14 THE CHAIRMAN: And he may have a
15 knowledge in several areas at the senior management
16 level, and it might be appropriate to question Mr.
17 Armson's knowledge and to elucidate his opinion -- his
18 expert opinion on various topics because he occupies, I
19 would suggest, a position that transcends several of
20 these areas.

21 So, you know, to some extent I think with
22 this particular witness there has to be some latitude
23 in that regard as well.

24 MS. SEABORN: Mr. Chairman, perhaps Mr.
25 Freidin could clarify which panel will be dealing

1 specifically with FMAs because it was my understanding
2 from Mr. Armson, from reading his direct-examination,
3 that he was very involved with the whole concept of an
4 FMA and I am not clear from reading -- I just checked
5 my outline and I am not quite sure which panel we
6 should look to on that topic.

7 MR. FREIDIN: We weren't intending to
8 deal with FMAs as a result of a specific panel. We
9 were going to indicate, where it was necessary, what
10 differences there were.

11 In relation to the topic he has been
12 telling us now, the five-year reviews, that will be
13 dealt with in detail by Panel 16.

14 THE CHAIRMAN: Well, you must admit, that
15 in an effort not to confuse the Board and the parties
16 and anybody else taking part in these proceedings, if
17 you are not going to deal with FMAs as a generic topic,
18 but you are going to deal with aspects of FMAs under a
19 variety of other topics, there may be some confusion
20 arising in that, and it may be perfectly appropriate to
21 get the overall concepts regarding FMAs from this
22 witness right here.

23 I mean, I am not saying we were misled,
24 Mr. Freidin, but it is at least my understanding on the
25 Board that FMAs would be dealt with specifically

1 somewhere down the line.

2 I did not realize that you were not going
3 to deal with FMAs generically but only aspects of it
4 through different panels.

5 Mr. Castrilli?

6 MR. CASTRILLI: Mr. Chairman, just a
7 follow-up on that. Can Mr. Freidin advise whether Mr.
8 Armson will be a part of Panel 16?

9 MR. FREIDIN: No.

10 THE CHAIRMAN: He will not?

11 MR. FREIDIN: He will not.

12 THE CHAIRMAN: Well, I think in view of
13 what you are telling us, Mr. Freidin, I think it is
14 legitimate for Mr. Williams, and others, if necessary,
15 to explore Mr. Armson's involvement with FMAs in the
16 overall concepts in more detail, because it does not
17 look like they are going to have an opportunity with
18 another panel at a future date.

19 MR. FREIDIN: I hear you and I will take
20 your remarks into consideration.

21 THE CHAIRMAN: Sorry, Mr. Williams.

22 My colleague says we probably just added
23 another panel. I am always hoping that that is not the
24 case as well, but if necessary, so be it.

25 Mr. Williams, now that we have

1 sufficiently interrupted you, I think as well it is
2 probably time for the second break. So if we might
3 interrupt you for another 20 minutes, we will come back
4 and allow you to get into an examination of those FMAs
5 with Mr. Armson.

6 MR. WILLIAMS: All right.

7 ---Recess at 5:10 p.m.

8 ---Upon resuming at 5:37 p.m.

9 THE CHAIRMAN: Thank you, ladies and
10 gentlemen.

11 Mr. Williams, at this time, could we
12 possibly can an indication --

13 MR. WILLIAMS: I was about to inform you
14 about the amount of time I think I needed.

15 I would say an hour, 15 minutes either
16 side, Mr. Chairman. I don't know whether you --

17 THE CHAIRMAN: No, I think we indicated
18 last week, and we will certainly reiterate today, we
19 are prepared, if you are talking an hour to an hour and
20 15 minutes or whatever, to finish your
21 cross-examination today and then go back to Mr.
22 Castrilli tomorrow morning.

23 MR. WILLIAMS: I think I can handle that.
24 I was telling Mr. Castrilli earlier I might run into an
25 hour tomorrow morning, but I don't think so. I think I

1 will be finished if we -- through by 6:30 probably.

2 THE CHAIRMAN: Very well. Please
3 proceed.

4 MR. WILLIAMS: I will try.

5 Okay. Thank you.

6 Q. Mr. Armson, the other day you were
7 asked some very specific questions about forest
8 management agreements under cross-examination from Mr.
9 Castrilli, I believe, and it was at that time that you
10 referred to the arrangements that now exist which you
11 also referred to in answers to my earlier
12 cross-examination about going to outside professionals
13 to do these reviews as review committees.

14 A. Yes.

15 Q. And I think you spent some time -- in
16 fact, you had at hand the names of those three people
17 who made up the panel on the third review, and I think
18 that was one of the reasons that I wanted to discuss a
19 little further with you the mechanics of the system and
20 how it was working in practice as compared to the --
21 because I know that in the main witness panel under
22 your credentials, at the bottom of page 5, again, it is
23 pointed out that you have had some significant role to
24 play in the development of the forest management
25 agreements.

1 And, in this role, you have not only
2 represented the Ministry in the FMA negotiations, but
3 also drafted the original agreements and was ultimately
4 involved in the drafting of the Bill which brought the
5 forest management agreements into law; is that not
6 correct?

7 A. That's correct.

8 Q. So I presume that you, like I, want
9 to be satisfied that in these early years that the
10 agreements are meeting the ideals that were set out in
11 the approach; as far as the practice is concerned, that
12 they are working and working in a meaningful fashion.

13 So I am certain that you wanted to share
14 some of this general information to allay any fears we
15 might have to the contrary and that is why I was trying
16 to develop it to at least to that extent, and didn't
17 want to transgress into other areas that would perhaps
18 have your counsel feel that they were being put at a
19 disadvantage.

20 I have not too many more questions given,
21 those comments on this area, but I do want to explore
22 just a few more areas and I will cite a couple of
23 specific examples just by way of example.

24 You had - and I am turning now to Panel
25 3, as we talked about a few moments ago, in this third

1 panel there were three members engaged by the Ministry
2 of Natural Resources who were outside of the Ministry
3 and were not employees working in other areas of the
4 province, as had been the case in the first two
5 agreements, and you saw that, I think you said, as a
6 step forward and I believe agreed with me that it
7 displayed a more objective approach to doing these
8 assessments; is that not correct?

9 A. Yes, it was a move towards an arm's
10 length -- more of an arm's-length arrangement.

11 Q. And you also pointed out - and I will
12 concede - that by the time we have reached the third
13 review that they are moving away from the conceptual
14 integrated resource management approach to the more
15 practical specific approach to integration with other
16 forest users; so instead of dealing in a philosophical
17 way, I think you said at the outset you agreed that
18 that perhaps was a pretty nebulous approach, but now
19 they are getting in more specifics.

20 And would you say that that is recognized
21 in the third five-year review as such?

22 A. Yes, I would say it is, both in the
23 words and terminology and the amount of space devoted
24 to it.

25 Q. Given that situation, I draw your

1 attention to page 51, and dealing with that -- under
2 that new heading: Integration With Other Forest Users,
3 I see an observation here, a comment that -- I suppose,
4 though I would like your comments on it.

5 I am looking at the third full paragraph
6 on page 51 and this is in Exhibit...

7 THE CHAIRMAN: 69.

8 MR. WILLIAMS: 69. Thank you, Mr.
9 Chairman.

10 Q. I quote:
11 "Company officials believe that the
12 Ministry gives too much weight to tourism
13 interests on the..." in this case they
14 are talking about a specific area:

15 "...the pine land forest and are
16 unconvinced of the need for many of the
17 MMAs..." which, I presume, stands for
18 modified management agreements:

19 "...prescribed by the Ministry for
20 protection of fish and wildlife values."
21 Now, you indicated earlier that you had
22 not had any direct involvement in these reviews.

23 A. That's correct.

24 Q. But has this type of attitude
25 permeated down to you, or have you been aware of any

1 attitudes of this nature that would seem to be
2 diametrically opposed to try to rationalize those
3 timber and non-timber values and bringing them to a
4 point where they can be seen to work together?

5 A. Yes, I have had some discussions, and
6 not with this particular example, but I think this
7 statement here suggests that perhaps the weighting of
8 interest is one thing, but the way in which you achieve
9 the objective in relation to the other values, there
10 may be some difference of opinion between Ministry
11 staff on occasions and company staff.

12 And I think this is an area that I would
13 identify as being one of concern, and I have had
14 discussions with various Ministry and industry people
15 in general about that kind of situation, of possibly
16 what might be done.

17 I think that, again, if the - and I don't
18 want to go over old ground, Mr. Chairman - but often
19 when the -- if the Ministry says: This is what you do
20 after the plan has been virtually well developed. That
21 is not the time and the occasion and I have had -- is
22 to get the input in in the early developmental stages
23 of the plan.

24 Q. In the next paragraph down they are
25 talking about recommendations, I guess recognizing that

1 resistance I guess to change, if I can use that term.

2 The recommendation is that:

3 "The senior company and Ministry
4 officials develop a plan of action to
5 facilitate implementation of Section 15
6 of the ground rules."

7 And I hate to mention that, given what
8 your counsel has said, but:

9 "With those ground rules having been
10 identified as integration of other
11 resource values in timber management.
12 This plan of action to be in place within
13 six months of the approval of this
14 review."

15 Now, would that involve public
16 consultation as part of the process? If they were
17 going to try to come to grips with other resource
18 values under the ground rules that exist, is there not
19 provision, and in fact is it not mandatory, that this
20 type of process that is set out in this particular FMA
21 with this particular company would involve public
22 consultation?

23 A. To my knowledge, not in the
24 development of the ground rules as such. The public
25 involvement comes in the development of the timber

1 management plan, but you are quite right, not in the
2 ground rules per se.

3 A. I see. Okay.

4 THE CHAIRMAN: You are saying, basically,
5 that there is no mandatory provision for public input.
6 Are you saying as well that there is no public input in
7 development of the ground rules?

8 THE WITNESS: It is not mandatory. If
9 ground rules are being developed contemporary with --
10 at the early stages of the management plan, then there
11 may be a linkage that way, but it is not required in
12 the ground rules as such.

13 MR. WILLIAMS: Q. It was my
14 understanding, Mr. Armson, and you can correct me - and
15 maybe you are not being inconsistent with what you said
16 there given the stage at which you were talking about
17 review of plans,

18 I am looking now, if I might, at the
19 first five-year review - and I am sorry to be jumping
20 back and forth - but just to try and get the
21 clarification here, on page 75 you are talking about -
22 and it is in the context of public consultation now
23 that I am expressing concern - under Operating
24 Constraints, page 75, page 76.

25 In this particular case --

1 MR. MARTEL: What volume is that, please?
2 Which volume?

3 MR. WILLIAMS: This is in the first
4 five-year plan which is Exhibit...

5 THE CHAIRMAN: 68, I believe.

6 MR. WILLIAMS: 68, yes.

7 Q. In this particular case, as you will
8 see at the bottom, the Ministry has put a number of
9 constraints on company operations in order to protect
10 other values and then they cite a couple of examples.

11 Now, I just want to touch on these two
12 examples just for a moment.

13 Peninsula and Ramsey Lake Council
14 Township, the company was asked to maintain a narrow
15 right-of-way at the narrowest part of the peninsula and
16 keep all the harvesting operations 400 feet from the
17 lake.

18 The point I just want to make here is
19 that it says:

20 "The main road is to be pulled out upon
21 completion of the operation."

22 My understanding is that matters that
23 substantive in nature would, of necessity, have to be
24 part of the public consultation process, that they
25 couldn't arbitrarily remove an access road without

1 having gone through, at some stage, the public
2 consultation process before they did that.

3 Am I wrong in that assumption or...

4 A. I believe that would apply now, but I
5 am not so sure that that particular requirement would
6 have been in place at the time that this -- I can't be
7 sure about that. But in terms of this being in 80-85,
8 it could be that that requirement didn't have to go
9 before the public.

10 Q. Would that be your same answer with
11 regard to the next paragraph where it says:

12 "Ramsey Lake is a tourism lake and the
13 Ministry's intent is to prevent further
14 public access to the lake."

15 Is that not the type of issue or matter
16 that normally becomes part of the public consultation
17 process in developing the FMAs or the reviews?

18 A. This could be a condition that is set
19 in place when the plan is being developed. I think
20 that there is much more effort made to get these
21 conditions stipulated up front before the plan is
22 finalized.

23 But I would again say that I can't be
24 clear. I actually had visited the first site that you
25 have identified here some three years, four years ago.

1 Q. Just before leaving this topic, then,
2 could you just clarify for the Board, if you will, and
3 myself: At what stage then does the public
4 consultation process take place with regard to forest
5 management agreements and reviews?

6 A. The forest management agreement --
7 there is a public involvement when a candidate area is
8 being proposed for a forest management agreement. That
9 is perhaps the first time in relation to forest
10 management agreement.

11 The second time then comes in terms of
12 the process here, timber management planning. The
13 series of notices and invitation to participate during
14 the preparation and when the final -- when the draft
15 plan is being prepared but, particularly, during the
16 preparation of the plan.

17 Those are the key times in terms of
18 input.

19 Q. All right. And then at the time of
20 the reviews as well, is there not a general
21 notification sent out to the public at large--

22 A. That's correct.

23 Q. --that there is a review coming on
24 stream and inviting the public to participate?

25 A. That's right. I believe there are

1 four occasions, if you will, during the preparation of
2 a timber management plan. Obviously, when the input
3 is -- when the plan is being prepared is a very key
4 time.

5 Q. In what type of form does the public
6 participation usually take place? Do you have any
7 personal knowledge of that situation?

8 A. I have been to two of them and they
9 were some years ago - they weren't the more recent
10 time - so I can't really speak to that.

11 THE CHAIRMAN: Mr. Freidin, there is a
12 panel that is going to deal with that specifically; is
13 there not?

14 MR. FREIDIN: Yes. What I am more
15 confused about now is whether we are talking about
16 reviews of timber management plans or whether we are
17 talking about reviews of forest management agreements.

18 THE CHAIRMAN: I thought your last
19 comment was review of the timber management plans.

20 THE WITNESS: That's correct.

21 MR. WILLIAMS: Q. All right. The
22 approach well taken. What about forest management
23 agreements?

24 A. Well, the first time is when the
25 candidate area is proposed.

1 Q. Okay.

2 A. And that is the key time. All the
3 other involvements are during the plan -- the
4 preparation of the plan for that agreement.

5 THE CHAIRMAN: But there is no public
6 involvement in the review of the forest management
7 agreements?

8 THE WITNESS: That is correct.

9 MR. WILLIAMS: Q. Do you see a need for
10 that arising in the future, or would it be appropriate
11 to revise the process to allow that to take place and
12 to involve direct public consultation?

13 A. It would be my opinion that direct
14 public consultation or involvement in the development
15 of an agreement would be questionable. I don't have
16 any strong sense about that.

17 I do have, however, and I think I
18 indicated this, that on the occasions of five-year
19 reviews, I believe that that is an appropriate time
20 when there could be a representation, if you like, in
21 the review team from the public, either the local
22 community or...

23 THE CHAIRMAN: But, let me just follow
24 that up for a second.

25 Would not the reviewers dealing with

1 reasonably technical forest management agreements need
2 some expertise in the whole issues that forest
3 management agreements cover?

4 Put it this way: When taking a look at
5 your past review teams, the first two really dealt with
6 internal MNR staff, for the most part probably
7 foresters, but could have included others as well.

8 For the third one, you dealt with people
9 outside MNR but, again, essentially professional
10 technical experts.

11 THE WITNESS: That's correct.

12 THE CHAIRMAN: If you were going to
13 include on a panel -- a review panel, a lay person or
14 somebody from the community, would that person, in your
15 view, have to have some kind of professional or
16 technical expertise if that is where the public
17 participation were going to take place, or would you
18 also advocate a public input with respect to the review
19 process in some other fashion other than being a
20 reviewer?

21 THE WITNESS: No, I was thinking of it
22 specifically as an individual from the public on the
23 review team in which there was professional expertise,
24 but there would be a lay person there who would be part
25 of that review team and perhaps ask some of the

1 questions that a lay person often asks that are very
2 perceptive and inquiring and...

3 THE CHAIRMAN: Okay.

4 MR. WILLIAMS: Q. In cross-examination
5 the other day you identified the three people who made
6 up the review team on the third year review and you
7 referred to Mr. Bell who is a Vice-President of
8 Woodlands and of Mr. Baxter, a Director of Operations,
9 Northern Ontario; and then a Dr. Cumming, Professor of
10 Fish and Wildlife Management, School of Forestry,
11 Lakehead University.

12 Is that the type of balanced panelling
13 that you foresee as being pursued in the future?

14 A. That's the type -- those three
15 persons, I would say, represent the professional and
16 technical expertise. What I am talking about is
17 someone in addition to that.

18 Q. I see. Someone that had no
19 particular academic or technical qualifications, just a
20 citizen at large, perhaps.

21 A. That's right.

22 THE CHAIRMAN: Wouldn't you get into
23 problems there, Mr. Armson, in the sense that whoever
24 that lay person was, if you are talking one person, may
25 not represent many other interests out there?

1 For instance, would you include a native
2 person as the lay person; would you include somebody
3 who is interested in hunting, fishing, wilderness
4 areas, tourist concerns?

5 I mean, there are so many other interests
6 that are represented by the lay concerns that I think
7 limiting it to the possibility of public input being in
8 the form of one person added to the three experts in
9 the various fields, would probably limit you; would it
10 not?

11 THE WITNESS: Yes, it would, but really
12 in a sense that that is an inherent limitation in many
13 kind of processes of this type.

14 I take your point but, on the other hand,
15 that is probably - in terms of being able to view
16 accomplishments on an on-going way periodically, those
17 are -- after all, are public review documents, and I
18 think that the comments that even one person obviously
19 representing, perhaps not the total array, can have
20 some considerable bearing.

21 THE CHAIRMAN: Okay.

22 MR. WILLIAMS: Q. At page 6 of that same
23 third year review, it is pointed out, the scope of the
24 review undertaken by the committee. It says at the
25 bottom, second last paragraph on page 6:

1 "The committee assessed the commitment of
2 the companies to their FMA obligations,
3 reviewed written records and conducted
4 field inspections to assess company
5 performance."

6 Do you consider those initiatives to be
7 adequate for the given process?

8 A. Yes, I think in terms of the time
9 involved and in terms of the -- I guess, over the three
10 years what we had learned.

11 THE CHAIRMAN: I cannot find that section
12 that you are referring to.

13 MR. WILLIAMS: Well, this is in the third
14 five-year review.

15 THE CHAIRMAN: 69, page 7?

16 MR. WILLIAMS: 69, page 6, the second
17 last paragraph.

18 MR. FREIDIN: Second sentence?

19 MR. WILLIAMS: Second sentence of that.
20 It starts:

21 "The review committee was comprised of
22 three members engaged by the Ministry of
23 Natural Resources..."

24 THE CHAIRMAN: Thank you, Mr. Williams.

25 MR. WILLIAMS: "...for the purpose of

1 conducting the five-year reviews."

2 THE WITNESS: Yes, I would believe that
3 those activities, the written records and going into
4 the field on the area to look at what has been
5 accomplished is a fair way to do it.

6 MR. WILLIAMS: Q. I presume that that
7 would, of necessity, have to change if the variation or
8 the processes alluded to by the Chairman of having some
9 public consultation would necessitate, obviously,
10 receiving public representations; would it not?

11 A. Well, if there were a lay person on
12 the review team, I think they would look at the records
13 and be present in the field in the same way. The
14 process, I don't think, would change materially.

15 THE CHAIRMAN: The report would.

16 THE WITNESS: The report quite obviously
17 would.

18 MR. WILLIAMS: Q. Mr. Armson, I think
19 there is just one other area that I wanted to explore
20 with you. But before doing so, I missed a question of
21 some importance back further where I was discussing
22 with you the matter of linkage between land use
23 planning and programming in the province and timber
24 forest management.

25 In that regard, I just wanted to draw

1 your attention to the Exhibit No. 16, an Audit of
2 Management of the Crown Forests of Ontario, Gordon L.
3 Baskerville, which we talked about at some length at
4 the end of your testimony the other day.

5 A. All right. I have it.

6 Q. Could I ask you to turn to page 84 of
7 the Baskerville Report, please. I am going to read to
8 you just one paragraph and ask you for your comments
9 and whether you agree or disagree.

10 And I am looking at the middle paragraph
11 which is, I think, of some significance. It reads as
12 follows:

13 "The absence of a technically sound
14 approach to integration of timber with
15 non-timber values is a more serious
16 problem that will require considerable
17 change in the system if the desired level
18 of integration is to be achieved. The
19 approach used to integration of timber
20 with non-timber values is based on local
21 judgment with no objectively measurable
22 standards. The integration being
23 achieved may be good and it may not be,
24 but currently that is up to any one to
25 decide for themselves. There is no

1 agreed upon way to assess the success of
2 integration. The approach to discovering
3 public opinion about planning issues is
4 open, but it is being used to justify
5 actions or inactions rather than to
6 determine what values the public expect
7 from the resource, so that management can
8 be designed to achieve those values to
9 the extent possible. Much of the
10 planning material in this area would be
11 better described as creative writing
12 about the resource than as a realistic
13 attempt to control resource development
14 over time to achieve objectively-stated
15 values."

16 Do you agree or disagree with that
17 observation?

18 A. No, I agree with that paragraph.

19 THE CHAIRMAN: Do you agree also with the
20 fact that you cannot properly assess this without -
21 what is it called - measurable standards, objectively
22 measurable standards?

23 THE WITNESS: It makes it very difficult
24 because then it becomes a matter of opinion, and I
25 would say we may not be always able to get always

1 totally objective, totally quantifiable standards, but
2 we have not moved nearly as far as we should have.

3 THE CHAIRMAN: That goes back to, I
4 think, earlier questions by other counsel that: If you
5 do not have the data base, the appropriate data base to
6 quantify some of these things, and you agree with this
7 statement, where does that leave us?

8 THE WITNESS: That is -- there is
9 usually -- once you specify the objective and quantify
10 it, then you are forced to do that on the basis of some
11 of that data that you have.

12 THE CHAIRMAN: What if you have not
13 quantified it? What if you are not able to properly
14 quantify it; can you objectively, given your agreement
15 with this paragraph, review and comment on the efficacy
16 of the forest management agreement?

17 THE WITNESS: The objectivity then
18 becomes a multiple objectivity, really. You get
19 different -- really different views, quite justifiable
20 perhaps, from each individual or sector standpoint.

21 THE CHAIRMAN: Okay.

22 MR. WILLIAMS: Q. You introduced into
23 evidence the other day, Exhibit 58, the Baskerville
24 Audit of Management of the Crown Forests of Ontario,
25 1986, Initiations, Actions and Conclusions.

1 Can you direct the Board to the actions
2 that you feel will constructively and realistically
3 address that deficiency as identified by Dr.
4 Baskerville?

5 A. Yes, Action 10.

6 Q. Could you elaborate, please?

7 A. Yes. In terms of moving to
8 quantifiable objectively determined objectives, one of
9 the first things that comes out is not only a data base
10 in terms of how much of this or where is it but, more
11 particularly, the relationships, the quantifiable
12 relationships between what you may do in terms of, for
13 example, manipulating the forest to provide a certain
14 kind of habitat and the impact that then has on the
15 objective that you are trying to attain.

16 And, for example, the Action 10 dwelt at
17 some considerable length by these workshops, with a
18 wide representation of persons there, and really the
19 objective of those workshops were to work down towards
20 defining what particular data was needed in order to
21 establish those quantifiable linkages.

22 And I would say that Item 10 is a very
23 key one and, in my own opinion - having attended parts
24 of two of the workshops - has moved both persons within
25 the Ministry, within the industry who attended, and

1 those, I believe, from certain other sectors to maybe a
2 better understanding of how we should be approaching
3 this whole matter of getting better information and
4 defining the relationships.

5 Q. This is under the main heading of the
6 need to ensure that non-timber values, such as
7 wildlife, habitat or recreation, tourism, are managed
8 towards measurable and quantifiable objectives?

9 A. That is correct, yes.

10 Q. I am certainly -- you have addressed
11 our attention in Action 10 indicating that your
12 attempts to deal with this issue have been through the
13 contract with Environmental Social Systems Analysis
14 Limited.

15 I don't know whether you can answer this
16 question, Mr. Armson, or not: At what stage is that
17 report going to be introduced into evidence and will
18 you be a witness to speak to that particular document?

19 MR. WILLIAMS: Or, perhaps your counsel
20 could advise the Board and others, because obviously in
21 order to see whether Action 10 is going to be executed
22 in a meaningful way, we will have to address that
23 particular report, which is not the appropriate time to
24 do today, I would suggest

25 THE CHAIRMAN: Mr. Freidin?

1 MR. FREIDIN: Yes. Panel No. 8 will
2 include the evidence in relation to the work of the
3 ESSA. Mr. Armson will not be a member of that panel.

4 THE CHAIRMAN: Will any one from the
5 comparative be a member of the panel?

6 MR. FREIDIN: Yes, they will.

7 MR. WILLIAMS: Could you advise us today
8 who that witness will be?

9 MR. FREIDIN: No, I cannot.

10 THE CHAIRMAN: We shall remain in
11 suspense.

12 MR. FREIDIN: And as I.

13 MR. WILLIAMS: Q. The last area I wanted
14 to touch on with you today, Mr. Armson, was related to
15 the extensive experience you indicate in your
16 Curriculum Vitae you have had with regard to forest
17 management in other jurisdictions.

18 And I refer you to page 4 of your
19 statement of evidence. At the bottom of page 4 you
20 note your other professional experience. You mention
21 different countries which you have visited and studied
22 forestry practices in, and in the closing sentence you
23 state that:

24 "In addition to having visited all
25 provinces I have working experienced in

1 British Columbia, Manitoba, New Brunswick
2 and a close knowledge of forests in
3 Alberta and Quebec."

4 Is that correct?

5 A. That's correct.

6 Q. As I understand it, Alberta has
7 undergone considerable reform in their approach to
8 forest management. Are you aware of that situation?

9 A. Yes. Well, they have undergone a
10 re-organization and their department is now Forests,
11 Lands and Wildlife. Prior to that it was Forests and
12 Lands.

13 Q. Is that then a form of integrated
14 resource management planning undertaken?

15 A. In my discussions with the senior
16 staff there, they view that as a moving together of
17 programs and entities that they believe are
18 appropriate.

19 Q. Are you aware, from your personal
20 knowledge, as to whether there is any significant
21 difference between the approach they are using in
22 Alberta as contrasted to Ontario?

23 A. Well, they do not have, to my
24 knowledge, the parallel in the District Land Use
25 Guidelines or in the regional strategic plans. They

1 have a zonation of their province in terms of basic,
2 very basic --

3 Q. I am sorry, what was that term you
4 used; zonation?

5 A. A zonation, yes. They have zones
6 which at that level, provincial level, broad level,
7 identify areas for agriculture, areas for timber
8 management, forestry and areas where concerns,
9 particularly on the eastern slopes, for water
10 management are of prime consideration. That type of
11 thing.

12 Q. Well, was this done in a direct
13 response - and I am speaking of the Alberta situation
14 at the moment and, again, I appreciate you may not have
15 personal knowledge of this - but was this done as a
16 result of major land use conflicts involved in forestry
17 and other extractive activities in that jurisdiction?

18 A. My understanding was there were some
19 elements of that, but I don't think that was maybe the
20 driving force; there were elements of that in certain
21 areas.

22 THE CHAIRMAN: Is this relevant to what
23 we are considering, Mr. Williams, in the sense that
24 what Alberta is doing or has done is based on
25 considerations that may or may not be applicable to

1 Ontario; but where are you going with this line of
2 questioning?

3 MR. WILLIAMS: Not much further, Mr.
4 Chairman, I can assure, but there is just one area here
5 that I wanted to touch on and it probably comes out in
6 my next intended question.

7 Q. Whether or not the approach that they
8 are taking is done: With the intent to optimize the
9 use of the resource base to achieve maximum benefits
10 for the people of that province now and in the future.

11 A. Those words don't sort of ring bells.
12 I can't say that I have heard those words enunciated in
13 relation to that particular -- to Alberta.

14 Q. Isn't that in fact what the
15 intentions are here in Ontario?

16 A. Yes, those are the stated intentions.

17 Q. So that's where you have heard it
18 before?

19 A. Oh, yes, I have heard it before here.

20 Q. Okay. Your resume -- you also noted
21 that you are familiar with forest management practices
22 throughout the United States. On this basis, you must
23 be familiar with the Forest and Range Land Renewable
24 Resource Planning Act legislation?

25 A. I am generally familiar with it.

1 Q. And there is one other federal
2 statute in the United States, the National Forest
3 Management Act.

4 A. Yes.

5 Q. Are you familiar with that
6 legislation?

7 A. Not extremely familiar, but at the
8 time I was doing the study, I believe 1976 was when
9 that piece of legislation came into effect.

10 Q. That's correct.

11 A. I was down in the United States at
12 that time and there was considerable discussion about
13 it.

14 Q. Can you capsulize from your
15 understanding of those two pieces of legislation what
16 the impact of those two Acts were and how they might
17 differ from the practices that would again permit --

18 THE CHAIRMAN: Once again, Mr. Williams,
19 where are we headed? Those Acts have been passed by
20 another jurisdiction, for whatever purpose.

21 MR. WILLIAMS: All right.

22 THE CHAIRMAN: And certainly this
23 witness, I would not consider an expert on those pieces
24 of legislation, although he may well be aware of them,
25 and for him to express an opinion on what those

1 legislative initiatives purport to do, I am not sure is
2 all that helpful.

3 I mean, would it not be better to confine
4 your questions with respect to Ontario of which this
5 witness would, of course, know much more and could be
6 considered an expert in certain areas.

7 MR. WILLIAMS: I guess, again, it just
8 came to the next question I had, Mr. Chairman, to see
9 whether recognition of what is taking place in that
10 jurisdiction would be helpful if it was applicable --
11 or considered for application in this jurisdiction.

12 THE CHAIRMAN: Well, I guess you could
13 put the question.

14 Mr. Armson, is what is happening in the
15 U.S. of interest to Ontario?

16 THE WITNESS: Only insofar as I think
17 there are aspects of it we would like to avoid.

18 THE CHAIRMAN: Certain things that they
19 are doing down there?

20 MR. WILLIAMS: Q. Such as...?

21 A. As the Chairman said, I am not an
22 expert in either of those two pieces of legislation,
23 and I really don't think there is very much that is
24 relevant to the Ontario scene.

25 MR. WILLIAMS: Then I think, Mr.

1 Chairman, short of one further question, I won't pursue
2 that line of questioning.

3 Q. And I appreciate, Mr. Armson, that
4 you have your limitations as to your familiarity with
5 their relevance to our situation, but it appears that
6 that legislation -- sorry.

7 Let me ask you this one question: Are
8 you familiar with a tool that has been developed called
9 FORPLAN in those --

10 THE CHAIRMAN: Can you give us that term
11 you just used?

12 MR. WILLIAMS: F-O-R-P-L-A-N. It is a
13 short form for forest planning. It's my understanding,
14 Mr. Chairman.

15 THE WITNESS: Yes, I am familiar with
16 that in general terms. I have a very large document in
17 my office at home dealing with that, and I have
18 discussed FORPLAN with a number of foresters in the
19 United States, particularly in the northwestern United
20 States, Oregon and California.

21 MR. WILLIAMS: Q. Let me just ask you
22 this: If you agree with this definition of what
23 FORPLAN is and whether you think that this is a useful
24 type of planning tool for forest management?

25 The definition, as I understand FLORPLAN

1 is, it is a linear programming model that uses resource
2 data on supply/demand and interactions to develop
3 optimum resource use plans?

4 A. Yes, it is. The Province of British
5 Columbia looked at it as a possible -- linear
6 programming, of course, is a general process.

7 The persons I have discussed it with and
8 from my perusal of one of the basic documents, but
9 certainly from the people who were involved with it, it
10 is a very unwieldy type of model and has found no real
11 application in practice.

12 Q. So that from what I hear you saying
13 then, you feel that it wouldn't be a particularly
14 appropriate or useful type of strategy to apply in this
15 jurisdiction?

16 A. Conceptually it is interesting, but
17 as such it is a very unwieldy tool.

18 MR. WILLIAMS: Thank you, Mr. Armson.

19 THE CHAIRMAN: Thank you, Mr. Williams.

20 Ladies and gentlemen, we will now adjourn
21 for the day and return tomorrow morning at 9:30 when we
22 commence with Mr. Castrilli.

23 Mr. Freidin?

24 MR. FREIDIN: If I just might address a
25 couple of matters.

1 Mr. Armson has some material here which
2 answers one of the undertakings given to Mr. Castrilli
3 and that was: You recall, he asked for information
4 about soil surveys that may have been done, then he was
5 to provide a list.

6 Mr. Armson has that list and we can
7 provide -- it is an actual catalogue. And because this
8 particular topic wasn't raised in the direct evidence,
9 and because Mr. Armson is here - and I don't want to
10 call a separate panel to deal with that - I would ask
11 whether -- the Board to ask other counsel whether they
12 would have any objections if, rather than just
13 providing this information, that I could put it to the
14 witness, not tomorrow, but at the end of all the
15 cross-examination and then we can have
16 cross-examination arising out of that particular topic.

17 THE CHAIRMAN: Through it By everybody?

18 MR. FREIDIN: By everybody who is here.
19 I am suggesting that that would be a useful way to deal
20 with that particular evidence.

21 THE CHAIRMAN: Who is coming after you,
22 Mr. Castrilli, in cross, of this panel?

23 MS. SEABORN: I believe it would be
24 myself, Mr. Chairman. I spoke with Mr. Edwards and he
25 was not sure yet if he had any questions. I understand

1 Mr. Colborne doesn't. So in all likelihood, I will be
2 following Mr. Castrilli.

3 THE CHAIRMAN: How lengthy are your
4 questions concerning this evidence?

5 MR. FREIDIN: Half an hour.

6 THE CHAIRMAN: I am suggesting perhaps --
7 would you object, Mr. Castrilli, if that evidence were
8 introduced so that you could deal with it in your
9 cross-examination at some point, and then we just move
10 on, rather than going through your cross-examination
11 and everybody elses' and then coming back and reopening
12 cross-examination up again on this area.

13 At least we can catch you and Ms. Seaborn
14 and then give Mr. Williams an opportunity to
15 cross-examine on that area as well, and so forth.

16 MR. FREIDIN: It is one of these areas --
17 again, it is a matter that arose during the
18 cross-examination, and I can't remember if it was
19 questions from the Board, but there will be another
20 panel that will be dealing with it in more detail
21 saying exactly how they are used in timber management
22 planning, but we have got Mr. Armson here and I just
23 thought it would be useful to let him deal with these
24 sort of things in a very generic-type way so people do
25 have an understanding of what these soil surveys are

1 all about.

2 THE CHAIRMAN: Mr. Cassidy?

3 MR. CASSIDY: Mr. Chairman, I have not
4 had the benefit of seeing any of that information
5 probably like the other people here, so I would reserve
6 the right of my client to enter into this
7 cross-examination in this area.

8 THE CHAIRMAN: Yes, yes. When I listed
9 off the parties I did not mean to exclude you.

10 MR. CASSIDY: That's fine.

11 THE CHAIRMAN: But it would be everybody
12 who would normally be entitled to question.

13 I am just questioning the order, whether
14 we should be completing Mr. Castrilli and Ms. Seaborn
15 and then reopening it again with your direct on this
16 area and then going through cross-examination of
17 everyone again.

18 MR. CASTRILLI: Mr. Chairman?

19 THE CHAIRMAN: Yes.

20 MR. CASTRILLI: We are really in your
21 hands on this particular topic.

22 THE CHAIRMAN: Well, you have been
23 disrupted enough, so I think whatever you would like to
24 do, Mr. Castrilli, the Board would probably agree to.

25 MR. CASTRILLI: Thank you.

1 The one difficulty I have is that if Mr.
2 Freidin is going to be introducing new documentation as
3 part of the response to my questioning, I think I would
4 probably like the opportunity to have my experts look
5 at the material, rather than have to cross-examine
6 suddenly on the spot.

7 And I am wondering, in that regard, I
8 would be content to have Mr. Freidin have Mr. Armson
9 give his evidence either at the close of this panel and
10 have it be the subject of cross-examination in the next
11 panel he is part of it.

12 THE CHAIRMAN: Okay. Since Mr. Armson is
13 coming back on a different panel, does it matter if you
14 introduce it here?

15 In other words, you distribute it here
16 and then perhaps deal with it as part of his
17 participation in another panel.

18 MR. FREIDIN: All right. I think that's
19 a good way to deal with it, because I was going to ask
20 whether I could --

21 THE CHAIRMAN: Then your experts will
22 have an opportunity to have looked at it.

23 MR. CASTRILLI: Thank you. That's fine.

24 MR. FREIDIN: We'll give you that. There
25 may be a couple of other things that have arisen where

1 we have asked for the same indulgence.

2 I can advise people that we have here
3 copies of the Rosehart Report which was one of the
4 action plans that was simply dealing with the forest
5 resources inventory. It was just released a few days
6 ago.

7 So could everybody here please make sure
8 they get their copy.

9 At the moment, Mr. Chairman, we are
10 proposing to serve that particular document on all the
11 people who are receiving full-time correspondence.

12 THE CHAIRMAN: Very well.

13 MR. FREIDIN: In terms of just one last
14 matter, Mr. Chairman, and this goes to the confusion
15 that Mr. Martel had in relation to guidelines and
16 things.

17 It is just another particular matter -- I
18 would like to just indicate what the evidence has
19 indicated as far as the proponent is concerned, and
20 that if you had any confusion about where the different
21 types of planning fitted in, that the first plan was a
22 strategic land use plan, and after that was done there
23 were District Land Use - let me say - plans, okay; the
24 Hearts, Timmins, Red Lake sort of thing, and then --
25 and those two things are called land use planning.

1 Then the third thing which occurs on a
2 smaller land base is resource management planning and
3 the product of that is a resource management plan; an
4 example would be a timber management plan.

5 So in case of timber, you have got a
6 Strategic Land Use Plan which describes general
7 statements about all different resources, you have got
8 a District Land Use Plan or Guideline, which again,
9 more specifically deals with a great number of
10 resources in the whole district, and then you have
11 resource management plans which are things like a
12 timber management plan, a fisheries management plan, et
13 cetera, and those come down. That's at their level.

14 So I just wanted to...

15 THE CHAIRMAN: Thank you.

16 Ladies and gentlemen, 9:30 tomorrow
17 morning.

18 Thank you very much.

19 ---Whereupon the hearing adjourned at 6:25 p.m., to
20 reconvene Thursday, June 16th, 1988, commencing at
21 9:30 a.m.

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